



CITY COUNCIL MEETING AGENDA

July 18, 2011

7:00 p.m.

Burien City Hall
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

PAGE NO.

1. CALL TO ORDER 2. PLEDGE OF ALLEGIANCE 3. ROLL CALL

4. AGENDA CONFIRMATION

5. PUBLIC COMMENT

Individuals will please limit their comments to three minutes, and groups to five minutes.

6. CORRESPONDENCE FOR THE RECORD

- | | |
|--|-----|
| a. Email Dated July 7, 2011, from Christy Worley Regarding Wah Longs. | 3. |
| b. Email Dated July 7, 2011, from Eric Dickman, Artistic Director for Burien Little Theatre, Regarding Vision for Burien. | 5. |
| c. Email Dated July 8, 2011, from Alex VanBronkhorst Regarding Vision for Burien. | 7. |
| d. Email Dated July 8, 2011, from Maggie Larrick Regarding Vision for Burien. | 11. |
| e. Email Dated July 8, 2011, from Stevie "Van Burien" Van Bronkhorst Regarding Vision for Burien. | 15. |
| f. Email Dated July 8, 2011, from George W. Counts Regarding Vision for Burien. | 19. |
| g. Email Dated July 8, 2011, from Lynne Randall Regarding Vision for Burien. | 21. |
| h. Letter Dated July 5, 2011, from Maria Hatcher, King County Library System Assistant to the Director, Liaison to the Board of Trustees, Regarding Library Service in North Highline. | 23. |
| i. Email Dated July 9, 2011, from Hans Leistina Regarding Fireworks. | 27. |
| j. Letter Dated July 12, 2011, from Chestine Edgar and the Lake Burien Neighborhood Regarding Land Use for Lake Burien Neighborhood and the Comprehensive Plan Update Docket. | 29. |
| k. Email Dated July 13, 2011, from Michael D. Noakes Regarding the Shoreline Master Program. | 37. |

COUNCILMEMBERS

Joan McGilton, Mayor
Rose Clark

Brian Bennett, Deputy Mayor
Lucy Krakowiak Gerald F. Robison

Jack Block, Jr.
Gordon Shaw

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7. CONSENT AGENDA	a. Approval of Vouchers: Numbers 28878 - 28995 in the Amounts of \$2,018,717.15.	43.
	b. Approval of Minutes: Council Special Meeting, July 11, 2011.	59.
8. BUSINESS AGENDA	a. Presentation and Discussion on Redistricting.	65.
	b. Presentation on Improvements to Metro Transit Route 120 by King County Metro.	
	c. General Annexation Discussion.	87.
	d. Discussion of Ordinance No. 554, Providing for the Issuance of Limited Tax General Obligation and Refunding Bonds.	89.
	e. Discussion of and Possible Motion to Grant a Variance to the Underground Utility Policy Regarding Lake to Sound Trail.	137.
	f. Public Safety Authority.	141.
	g. Review of Council Proposed Agenda Schedule.	145.
	h. City Business.	149.
9. COUNCIL REPORTS		
10. ADJOURNMENT		

Lisa Clausen

From: Public Council Inbox
Sent: Thursday, July 07, 2011 5:55 PM
To: 'Christy Worley'
Subject: RE: Wah Longs

Thank you for writing to the Burien City Council. Your message will be provided to the appropriate City staff and included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
Burien City Manager's Office

From: Christy Worley [<mailto:christy.worley@gmail.com>]
Sent: Thursday, July 07, 2011 3:23 PM
To: Public Council Inbox
Subject: Wah Longs

Dear Burien City Council,

I have been a home owner in Burien/Normandy Park for 10 years, grew up in Boulevard Park, poss a career as a Controller of a High-end Service shop in Redmond and have been playing dart league for Wah Longs for about 6 years. I am not a big drinker and choose to not drink at all on league nights. There for I pay attention to others and what is going on around me more then a normal patron. I can say I have never witnessed any drug use or shady dealings in Wah long's, I once witnessed a guy smoking something that I knew was not a cigarette in the parking lot and notified Jimmy, the owner, and he ordered him to leave the property and not come back. I was very happy, as I am very anti drug. I have children and I don't care who thinks they have permission to smoke drugs (Marijuana) where they want. It is still illegal to me. PERIOD!!

As I stated before, I play darts, which causes me to travel to different local bars in Kent, Renton, Burien, Federal Way, Auburn to compete. On several occasions I have seen ridiculous behaviors from patrons. Fighting, drug use, misconduct, ect. I feel this is every where you go. You cant predict what people will do. Just notice questionable actions and try to eliminate them before they are a problem. I strongly feel this is how Jimmy runs Wah Longs.

My parents use to question why I would want to hang out at a "dive" bar, especially since their use to me hanging out at high end places on the eastside. I got tired of defending Wah Long's as they had NEVER been in the establishment, and were just assuming. So I invited my parents to come in and watch me shoot a dart tournament which happen to be my birthday month. My parents being very skeptical still said ok. They came in, hung out in the dart area, got to meet all the dart players I associate with as well as Jimmy the owner and were very impressed on how wrong there assumptions were. They were so comfortable and ok with being there they even had a drink even though they only drink once or twice a year!! They have never questioned me since and have come up every year for the December birthday Tournament to celebrate with me.

Wah Longs is not at fault for any incidents. They do what they can just like every other bar. All companies try things to increase sales and its all about trial and error. When there was a DJ and local artist's performing there it did make more money, but the crowd it brought in was some what unpredictable, so Jimmy decided to cancel it all to keep everyone safe after the Jan 2011 shooting. So that says to me he is more worried about his patrons then making a buck!!

I feel that every time a bar goes out of business or closes for one reason or another, we notice the rif raf that starts coming thru and its usually gone not too long after as there is no tolerance. I can name several similar occurrences in just a 5 mile radius of things that have happen at other local bars!!

I hope that someone that matters reads my personal experience and opinion of Wah Longs and take into consideration all sides.

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Thank you for your time, I greatly appreciate it.

Sincerely,

Christy Worley

P.S

Wah Long's is know as one of the biggest and most successful DART bars in the area!! There are definitely positive things, but like we all know. Everyone says the bad things VERY LOUD and very rarely even share the good!!!

Lisa Clausen

From: Public Council Inbox
Sent: Friday, July 08, 2011 9:14 AM
To: 'eric@burienlittletheatre.org'
Subject: RE: Arts and Culture as a Core Value in the City's Vision

Thank you for writing to the Burien City Council. Your message will be included in the Correspondence for the Record for a future Council meeting.

L. Clausen
City Manager's Office

-----Original Message-----

From: Eric [mailto:eric@burienlittletheatre.org]
Sent: Thursday, July 07, 2011 11:46 PM
To: Public Council Inbox; Brian Bennett; Jack Block Jr.; Rose Clark; Lucy Krakowiak; Joan McGilton; Jerry Robison; Gordon Shaw
Subject: Re: Arts and Culture as a Core Value in the City's Vision

Dear Burien City Council members:

I urge the inclusion of Arts and Culture in the City as a core value of Burien's long range Vision. The Mayor and City Council have repeatedly stated that "the arts are pervasive in Burien" and they are so interwoven that one does not need to write them into the City's long range Vision for the City. I appreciate the current Council's support for Arts and Culture, but a verbal statement does not substitute for identifying in the Vision document, Arts and Culture as a core value.

It also seems odd to say that Arts and Culture are so integral to the City of Burien that they need not be highlighted. Just the opposite seems to be true. If Arts and Cultural are part of everything in the City, then Arts and Culture should be highlighted. If Arts and Culture are a key element of the City they should be a key element of the City's Vision. Therefore, a specific core value, Arts and Culture should be included in the Vision for Burien.

The current language for including Arts and Culture in the June 20th draft proposed Vision is passive. The current draft Vision includes "creativity" as a value (it does not say Arts and Culture but uses a watered down and ineffectual word "creativity"). The current draft Vision does not state that the City supports and values the critical importance of Arts and Culture to the overall quality of life and economic vitality of the City. It simply notes Burien is currently "creative."

Arts and Culture attract people who shop the local stores and support the local eateries; this brings new businesses, and residents who to put down roots and to become actively invested and engaged in making communities better places to live and work. Without a strong commitment to Arts and Culture the long-term sustainability of Burien's many nonprofit arts organizations is in question. Failure to say directly that the City in its Vision supports and values the critical importance of Arts and Culture is to say the opposite. If Arts and Culture are not important enough to be a core value, they are not important to the City.

The current Council may believe its support for Arts and Culture is so well known that it does not need to be listed as a core value for the City's Vision -- so important it need not be a core value? -- but this may not be true of future Councils. The City's Vision hopefully will guide the City for the next 15 to 20 years. Many, if not all of this Council, will have

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moved on by then. What if the new Council is literal, and does not make Arts and Culture a key value, because it is not listed as a core value?

Inclusion of Arts and Culture in the Vision as a core value will ensure that future City leaders will make informed future policy decisions supporting Arts and Culture. Planning, zoning, city codes and ordinances must support the ability of Arts and Cultural organizations and businesses to flourish, engage in commerce and provide services within the city well into the future. Quoted from Burien City News June 2011, "The visioning effort will help shape the long-term future of Burien.

'Vision for Burien' will provide the City with sense of direction and framework for evaluating future policy decisions." If Arts and Culture are to be part of Burien's long term future they should be listed as core values, unless the Council does not believe Arts and Culture are core values of the City.

As this Council has acknowledged, Arts and Culture add to the somewhat vague notion of "livability," but Arts and Culture do much more. Arts and Culture are dynamic economic engines and key to growth in Burien. I am reminded of the notation on the white board at the Business meeting of the affinity group. In big red letters was the phrase, "Arts are key!" If Arts and Culture are key, they should be highlighted, not diminished or understated.

As seen in repeated studies, the return on governmental investment in the Arts has a return of 7 to 1. This is true nationwide, and in King County. That return is higher than for any other investment a governmental agency can make. As the Vision is to be used to drive resource allocation, to fail to highlight Arts and Culture by listing them as a core value is to tell City staff that Arts and Culture are not worthy of City resources and hence to dilute the economic impact Arts and Culture has in the City.

Thank you for your thoughtful discussions you have had on the City's Vision. It has been encouraging to hear that Arts and Culture are a significant force and valued by the current Council. However, the failure to see Arts and Culture listed as a core value in the City's Vision for the next 15 to 20 years has been disheartening.

As you have seen by the turnout from arts and cultural organizations and citizens who are not members of any particular organization, but who are supporters of Arts and Culture, there is strong desire from the people of Burien to see an obvious commitment to Arts and Culture incorporated into the City's final Vision statement.

Eric Dickman
Artistic Director
Burien Little Theatre

206-242-5180
eric@burienlittletheatre.org

Lisa Clausen

From: Public Council Inbox
Sent: Friday, July 08, 2011 9:14 AM
To: 'Alex VanBronkhorst'
Subject: RE: Arts and Culture.

Thank you for writing to the Burien City Council. Your message will be included in the Correspondence for the Record for a future Council meeting.

L. Clausen
City Manager's Office

From: Alex VanBronkhorst [mailto:alexvanb@gmail.com]
Sent: Friday, July 08, 2011 12:00 AM
To: Public Council Inbox; Brian Bennett; Jack Block Jr.; Rose Clark; Lucy Krakowiak; Joan McGilton; Jerry Robison; Gordon Shaw
Subject: Arts and Culture.

Dear Burien City Council members:

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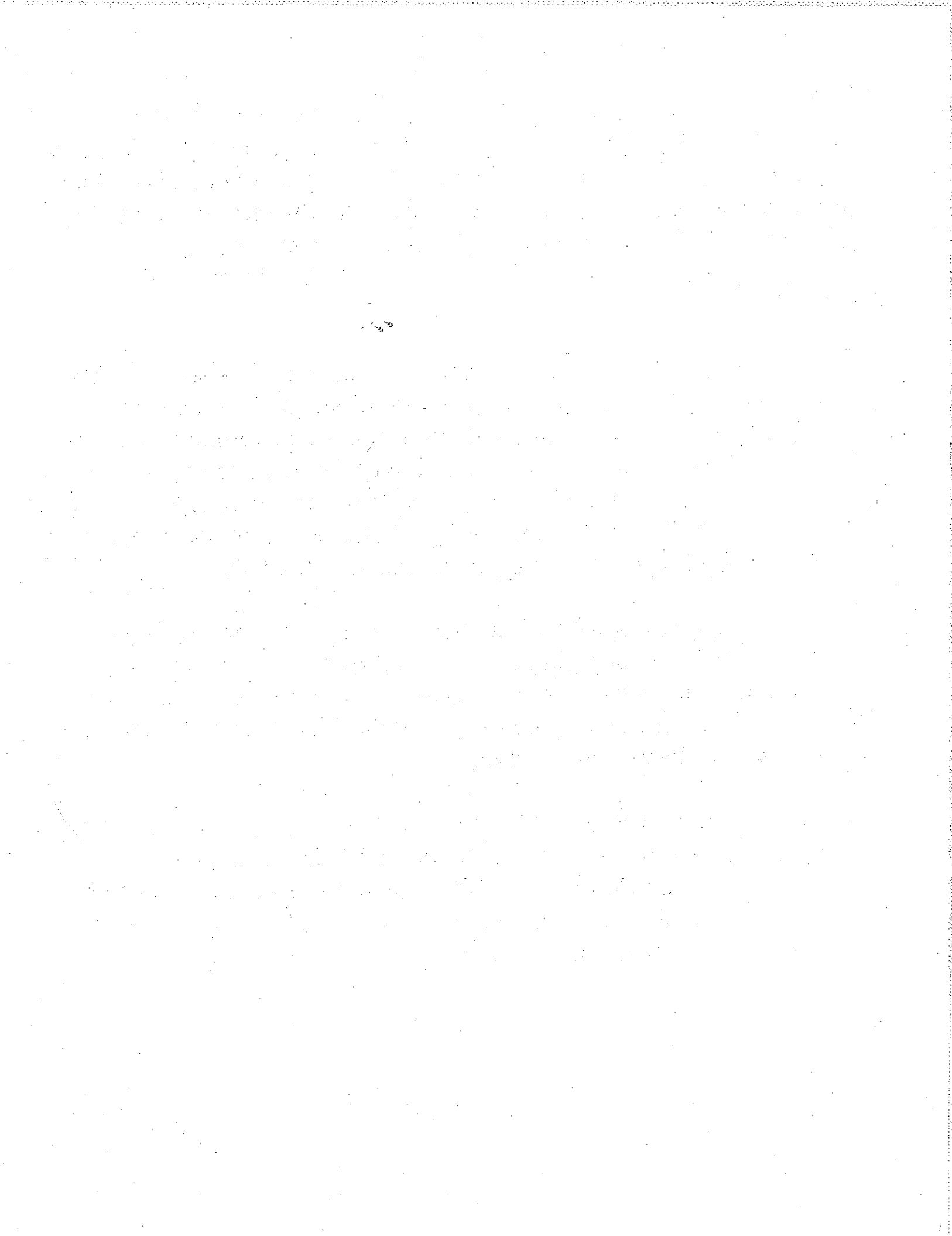
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As you have seen by the turnout from arts and cultural organizations and citizens who are not members of any particular organization, but who are supporters of Arts and Culture, there is strong desire from the people of Burien to see an obvious commitment to Arts and Culture incorporated into the City's final Vision statement.

--Alex VanBronkhorst
Burien resident.



Lisa Clausen

From: Public Council Inbox
Sent: Friday, July 08, 2011 9:16 AM
To: 'Maggie'
Subject: RE: Burien vision & arts and culture

Thank you for writing to the Burien City Council. Your message will be forwarded to the Councilmembers and City Manager, and included in the Correspondence for the Record for a future Council meeting.

L. Clausen
City Manager's Office

From: Maggie [mailto:maggie@burienlittletheatre.org]
Sent: Friday, July 08, 2011 12:09 AM
To: Public Council Inbox
Subject: Burien vision & arts and culture

Dear Burien City Council:

Below is some information about arts and culture and the Visioning process I hope you will consider in your deliberations. The last numbered paragraph is a request for addressing arts and culture in the final Vision.

1. **Visioning Affinity Groups mention arts and culture.** Arts and/or culture were mentioned as important by 6 of the 10 Affinity Groups in the Visioning process:

- * Twenty-Somethings
- * Latino - arts activities for kids
- * Business - "Arts are key!"
- * Health/Wellness - fear "Won't continue to embrace the arts"
- * Recreation - cultural activities
- * Arts - of course we mentioned its importance on several levels

2. **Wording of Visioning questions.** I have a note that someone (but I did not write down who) mentioned the wording of the Visioning questions would not easily elicit an answer of "arts" or "culture". To some degree that is the problem with the wording of the 3 questions on the questionnaire Burien citizens were asked to fill out: "Describe Burien in a single word," "What is your biggest fear for Burien," "What do you personally value about living in Burien." These questions are about what people see Burien as now, and, unless you're a dedicated artist, you're probably not going to mention arts and culture. In the 3 Community Forums, citizens were asked to choose between 2 statements in several pairs of statements of a pair of statements during a "guided discussion." Nowhere in those statements were the words "arts" or "culture" (except for references to "many cultures").

3. **Where were the arts and culture people?** The question was asked: "Where were the arts and culture people in this process?" A number of us took part in the Arts Affinity Group. A number of us also attended the 3 Community Forums, and there were photos on the City Visioning page online of some of us who attended (several Burien Arts Commissioners). That page no longer seems to be available online, but I have a copy of the forums page with at least one of the photos. To assist the City with the Visioning process, Burien Little Theatre passed out the 3-question questionnaire to our audience and returned completed ones to the City

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by their deadline. Several questionnaires that we turned in to the City mentioned the importance of arts and culture. And many of us were busy working our day jobs that pay our bills and doing our unpaid night/weekend jobs creating and sharing our art with the public at an affordable price. During the visioning process, Burien Little Theatre was in the midst of our season: rehearsing, preparing for and performing several shows. This included a playwrights festival, which involved putting on 6 different plays at one time. Which pretty much taxed our person-power resources.

4. **Bringing money into local economy.** Arts and culture brings money into the city's economy, in addition to enhancing our quality of life. Arts and culture activities draw people from outside Burien to come here for a performance or arts event, or to see visual art. Those people often eat or drink out in Burien before or afterward. Sometimes they even shop here. For Burien Little Theatre, our performers, designers and volunteers come from all over. They also often grab a bite to eat in Burien before or after rehearsals, performances, set builds, etc. (Even I, who live here in Burien, eat out more when we're doing a show because it's easier.) Plus there is all of the paint, furniture, paper, etc. purchased by arts and culture organizations to put on their events. Approximately 87.3 percent of Burien Little Theatre's audience currently eats or drinks out before or after a performance. Attached are 2 articles (one from The Seattle Times and one from The Business Report) providing some statistics on how arts and culture bring in money for the economy.

5. **\$7 to \$1 return.** Unlike many things in which government invests its money, arts and culture actually provides a monetary return, and it's even better than sports. Attached are 3 articles that discuss arts bringing money into the economy. The most stunning statistic is that arts provide a return of \$7 for every \$1 invested by the government, something Wall Street gurus would envy. And that's in comparison to the 3-to-1 return provided by sports. The figure is from the attached article published in October 2008 in the the ICMA Press. You likely already know about the ICMA (International City/County Management Association), which advances professional local government worldwide and publishes the ICMA Press to provide well-researched information on local government issues.

6. **Arts and culture at an affordable price.** By making magic on a shoestring budget, arts and culture groups in Burien are able to keep high-quality art affordable for the average person and the poor. Burien Little Theatre, for example, not only offers low-cost tickets, but also provides Seven Buck Sunday on the first Sunday of every production's run, when all tickets are just \$7. People can volunteer with us and get free tickets as well. We perform staged readings for free at the theater and at places like nursing homes. Some examples of our participation in Burien City events: reading scary stories to kids during Boo in Burien and the Parks Department's Halloween event, providing floral centerpieces for Empty Bowls, operating lights when Burien Concerts in the Park gets rained out and move into the theater. We collaborate with other arts and culture groups to share our resources and sometimes co-produce shows to make all of our dollars go further in keeping our art affordable. Like other local arts and culture groups, we find creative ways and plenty of volunteer hours to keep costs down so we can pay all or most of the costs of producing the show from ticket sales (this is unheard of in theater, where there is typically a much larger reliance on donations and grants). We are all really good at leveraging the money we receive from the City of Burien, thanks to our many talented volunteers. For Burien Little Theatre, the \$2,500 we received from the City for 2011 was for a specific project and constituted about 4% of our entire budget. However, since we spend almost all of the money we bring in each year on our productions and basic overhead such as rent and insurance, that amount can be a make-or-break difference, as it is for other local arts and culture organizations.

7. **Education.** Arts organizations like The Hi-Liners and Burien Little Theatre provide arts education no longer provided by the public schools. Besides giving adults a chance to sharpen or learn new skills, Burien Little Theatre works with older teens, usually 15 to 18, teaching them a range of theater skills from technical work running sound and stagehanding to administrative tasks such as box office. Among the teens Burien Little Theatre works are several students from Aviation High School, since it has no theater program. And we do not charge the students. In fact, some positions receive a modest stipend to help with transportation costs.

8. **A better place to live.** Arts and culture make Burien a better place to live, helping attract and retain businesses and residents.

9. **Vision dictates resource allocation.** Brian Scott made clear in his projections on-screen at the June 6 Burien City Council meeting that the Vision would govern Resource Allocation. If it's not in the Vision, then it should not be funded because it is not mandated. So if arts and culture aren't sufficiently in the Vision, they don't get funded.

10.. **Arts and Culture as a Core Concept.** Arts and culture are pervasive. They are important to education, recreation, the economy, quality of life. It seems that many on the current Burien City Council are aware of the importance and omnipresence of arts and culture in Burien. However, new Council members may not be so astute. Putting arts and culture into the Vision as a sub-concept (in the third tier) rather than a Core Concept (in the second tier) makes it much easier for arts and culture to be marginalized or cut altogether. This would be to the detriment of Burien. If the Vision sufficiently recognizes arts and culture, particularly its economic impact, it will be apparent even to future Council members that it is unwise to marginalize or eliminate arts and culture from the Vision and the Plan created to support the vision. Preferably Arts and Culture should be included at the Core Concept (second tier) level.

Thank you, the Steering Committee and the City staff for the many hours you have all spent working to craft a Vision to carry our City forward into a successful future. I appreciate your time and consideration of this email.

Maggie Larrick
maggie@burienlittletheatre.org
(cell) 206-949-9554

Lisa Clausen

From: Public Council Inbox
Sent: Friday, July 08, 2011 9:17 AM
To: 'Stevie VanBronkhorst'
Subject: RE: Vision for Burien doesn't see me, can we fix that?

Thank you for writing to the Burien City Council. Your message will be included in the Correspondence for the Record for a future Council meeting.

L. Clausen
City Manager's Office

From: Stevie VanBronkhorst [mailto:stevievanb@gmail.com]
Sent: Friday, July 08, 2011 1:10 AM
To: Public Council Inbox; Brian Bennett; Jack Block Jr.; Rose Clark; Lucy Krakowiak; Joan McGilton; Jerry Robison; Gordon Shaw
Subject: Vision for Burien doesn't see me, can we fix that?

Dear Burien City Council members:

I grew up in Burien, and though I recently have moved to the U. District, I continue to work and spend a fair portion of my free time and income in my hometown. My move is partly due to putting a little distance between me and my parents after living at home through college, but mostly because of the bustling art scene convenient to me as a non-driver. I'd like to move back if I get a car, as rentals in Burien are affordable to young people, or, as I like to call them, future property-tax-payers. Burien has a lot going for it, which is why I've stayed as long as I have.

Currently, the arts scene in Burien is alive and kicking, but could definitely be stronger. There needs to be verisimilitude that reflects Burien's diversity of viewpoints (another Burien strong point). The city itself can't fund every new arts project, of course. For an arts group seeking grants it seems like a huge advantage to have the city's backing, even--or especially-- in an idealized philosophical way as being included clearly and unequivocally in the city-commissioned Vision for Burien as it's own point.

I recently attended a Burien City Council meeting for the first time, and it warmed my cockles to see my city council and neighbors working

passionately to run what I believe is a truly great city. As much as the city council deserves validation for their hard work with a point dedicated to good Governance, it seems as you're the ones deciding on the content of the final Vision for Burien, you shouldn't need to be reminded that continuing to do an excellent job is a priority. If the proliferation of points is an issue, please replace Governance with Arts and Culture. Better yet, add an eighth point. I would like to feel that there's a place for me as an artist in Burien when I inevitably move back, and that Arts and Culture is *formally and specifically* recognized as an important component to our civic pride.

I love Burien and want to see it become someplace I can keep my roots and career flourishing without having to try to find a livable neighborhood in Seattle (This isn't my home.)

Yours truly,
Stevie "Van Burien" Van Bronkhorst

Dear Burien City Council members:

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Thank you for your thoughtful discussions you have had on the City's Vision. It has been encouraging to hear that Arts and Culture are a significant force and valued by the current Council. However, the failure to see Arts and Culture listed as a core value in the City's Vision for the next 15 to 20 years has been disheartening.

As you have seen by the turnout from arts and cultural organizations and citizens who are not members of any particular organization, but who are supporters of Arts and Culture, there is strong desire from the people of Burien to see an obvious commitment to Arts and Culture incorporated into the City's final Vision statement.

Lisa Clausen

From: Public Council Inbox
To: George Counts
Subject: RE: Burien's New Vision

Thank you for your message. It will be transmitted to the appropriate City staff and included in the Correspondence for the Record for a future City Council meeting.

L. Clausen
Burien City Manager's Office

From: George Counts [<mailto:g.numero@gmail.com>]
Sent: Friday, July 08, 2011 2:11 PM
To: Joan McGilton; Public Council Inbox
Cc: Brian Bennett; Jack Block Jr.; Rose Clark; Lucy Krakowiak; Jerry Robison; Gordon Shaw
Subject: Burien's New Vision

Dear Madame Major and Burien City Council members:

I urge the inclusion of an eighth core value, Arts and Culture in the City of Burien's New Vision. You have repeatedly stated that "the arts are pervasive in Burien" and they are so interwoven that one doesn't need to write them into the Vision specifically. While we are very appreciative of the value the City's current elected officials place on the arts in Burien, a verbal statement doesn't substitute for identifying in the Vision document, Arts and Culture as a core value.

The City of Burien's proposed new Vision for its future as a government, and for its citizens and businesses, needs to incorporate a strong commitment to Arts and Culture into that Vision. The current language for including Arts and Culture in the June 20th draft proposed Vision is very passive. While the current draft Vision includes "creativity" as a value it does not state that the City supports and values the critical importance of Arts and Culture to the overall quality of life and economic vitality of the City. Therefore, a specific eighth core value, Arts and Culture should be included in the Vision for Burien.

Arts and Culture attract new businesses, residents, and artists/performers to put down roots and to become actively invested and engaged in making communities better places to live and work. Without a strong commitment to Arts and Culture the long-term sustainability of Burien's many non-profit arts organizations is in question.

As you know, the City of Burien currently provides through its annual arts and culture grant program (administered by the Burien Arts Commission), critical funds that are necessary to provide the array of visual and performing arts programming currently enjoyed by residents. Burien Arts, for example, then leverages its modest City grant funds (Burien Arts received \$1,500 in 2010) EIGHT to ONE from our own fundraising, membership, programs, and donations. All other grantees leverage their grant monies similarly.* Burien's non-profit arts agencies present a wealth of arts and cultural activities that go well beyond what the Burien city government could afford to provide on its own.

Additionally, inclusion of Arts and Culture in the Vision as a core value will ensure that future City leaders will make informed future policy decisions supporting Arts and Culture. Planning, zoning, city codes and ordinances must support the ability of Arts and Cultural organizations and businesses to engage in commerce and provide services within the city well into the future. Quoted from Burien City News June 2011, "The visioning effort will help shape the long-term future of Burien. 'Vision for Burien' will provide the City with sense of direction

and framework for evaluating future policy decisions”.

Arts and Culture are key ingredients of shaping that direction and framework and evaluating future policy. Arts and Culture should be added as the eighth CORE value.

Thank you for your thoughtful discussion with citizens, organizations and businesses. We appreciate the opportunity to comment on the important role that Arts and Culture has in the history, character and evolution of the Burien community. We appreciate the many hours City officials, the Steering Committee, and City Staff have put into the development of the new proposed City Vision and look forward to seeing a strong commitment to Arts and Culture incorporated into the next draft proposed Vision statement.

Sincerely,

George W. Counts
9025 3rd Ave NW
Seattle, WA 98117

*"The Arts Industry generates nearly \$30 billion in revenue for local, state, and federal governments. Each year. By comparison, the 3 levels of government collectively spend less than \$4 billion annually to support arts and culture. This is a spectacular 7-to-1 return on investment that would thrill even Wall Street veterans."

ICMA Newsletter Oct. Vol. 90 Lead Article (International City/County Management Assoc. whose mission is to create excellence in local governance.)

Lisa Clausen

From: Public Council Inbox
To: Lynne Randall
Subject: RE: arts and culture

Thank you for your message. It will be provided to the City Councilmembers and appropriate City staff, and included in the Correspondence for the Record for a future Council meeting.

L. Clausen
Burien City Manager's Office

From: Lynne Randall [<mailto:lynne.randall@gmail.com>]
Sent: Friday, July 08, 2011 5:21 PM
To: Public Council Inbox
Subject: arts and culture

Dear Burien City Council members:

I urge the inclusion of an eighth core value, Arts and Culture in the City of Burien's New Vision. The Mayor and City Council have repeatedly stated that "the arts are pervasive in Burien" and they are so interwoven that one doesn't need to write them into the Vision specifically. While we are very appreciative of the value the City's current elected officials place on the arts in Burien, a verbal statement doesn't substitute for identifying in the Vision document, Arts and Culture as a core value.

The City of Burien's proposed new Vision for its future as a government, and for its citizens and businesses, needs to incorporate a strong commitment to Arts and Culture into that Vision. The current language for including Arts and Culture in the June 20th draft proposed Vision is very passive. While the current draft Vision includes "creativity" as a value it does not state that the City supports and values the critical importance of Arts and Culture to the overall quality of life and economic vitality of the City. Therefore, a specific eighth core value, Arts and Culture should be included in the Vision for Burien.

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Additionally, inclusion of Arts and Culture in the Vision as a core value will ensure that future City leaders will make informed future policy decisions supporting Arts and Culture. Planning, zoning, city codes and ordinances must support the ability of Arts and Cultural organizations and businesses to engage in commerce and provide services within the city well into the future. Quoted from Burien City News June 2011, "The visioning effort will help shape the long-term future of Burien. 'Vision for Burien' will provide the City with sense of direction and framework for evaluating future policy decisions".

Arts and Culture are key ingredients of shaping that direction and framework and evaluating future policy. Arts and Culture should be added as the eighth CORE value.

Thank you for your thoughtful discussion with citizens, organizations and businesses. We appreciate the opportunity to comment on the important role that Arts and Culture has in the history, character and evolution of the Burien community. We appreciate the many hours City officials, the Steering Committee, and City Staff have put into the development of the new proposed City Vision and look forward to seeing a strong commitment to Arts and Culture incorporated into the next

draft proposed Vision statement.

If you or your staff have any questions or require additional information please feel free to contact Burien Arts President, Linda Dougherty, at 206-824-5164 or by email at: doughertylinda@comcast.net. You may also contact Sybil Davis, Burien Arts Secretary, at 206-601-6051, or sybilhdavis@gmail.com.

Sincerely,

Lynne Randall
lynne.randall@gmail.com

*"The Arts Industry generates nearly \$30 billion in revenue for local, state, and federal governments. Each year. By comparison, the 3 levels of government. collectively spend less than \$4 billion annually to support arts and culture. This is a spectacular 7-to-1 return on investment that would thrill even Wall Street veterans."

ICMA Newsletter Oct. Vol. 90 Lead Article (International City/County Management Assoc. whose mission is to create excellence in local governance.)

--
Lynne Randall



RECEIVED

JUL 08 2011

CITY OF BURIEN

July 5, 2011

Rachael Levine, President
White Center Guild
430 South 124th Street
Burien, WA 98168

Dear Rachael,

In response to your letter dated June 13, 2011, please find attached a copy of a letter from the KCLS Board of Trustees in response to similar concerns expressed by the 11th & 34th District Legislators regarding potential action on library service in the North Highline area. This letter was intended to be copied to you and the groups listed below. I apologize for the delay in sending it to you.

Sincerely,

Maria Hatcher

Maria Hatcher
Assistant to the Director
Liaison to the Board of Trustees

c: Bill Ptacek, Director
Burien City Council
North Highline Unincorporated Area Council
Joe McDermott, King County Council
White Center Library Guild



June 22, 2011

Representative Joe Fitzgibbon
34th District
Washington State Legislature
PO Box 40600
Olympia, WA 98504-0600

Dear Representative Fitzgibbon,

On behalf of the King County Library System Board of Trustees, I'd like to thank you and your colleagues for your recent letter regarding consolidation of the White Center and Boulevard Park Libraries in the North Highline district.

In April 2010, the Board of Trustees decided to postpone capital improvements in the North Highline area until the issue of annexation was resolved. In response to the community's concern over that decision, the Board directed KCLS to proceed with a Service Area Analysis to gather information on possible alternatives that could be pursued irrespective of annexation to the City of Seattle or the City of Burien.

KCLS collected and analyzed data and presented its key findings to a number of community groups, including the Burien City Manager, Burien City Council, White Center Library Guild and the North Highline Unincorporated Area Community Council. KCLS also gathered public input with an 18-minute telephone survey and accompanying Internet survey conducted by Godbe Research and those results were presented to the same groups.

Based on the data, KCLS staff presented its recommendation for library service in the North Highline area to the Board of Trustees at a public meeting held at the North Bend Library on May 24. Given the distance of the meeting from the affected community and requests from elected officials, the Board postponed taking action on the recommendation. At that same meeting, however, the Board directed staff to begin the process of site analysis in order to gather additional data for a more informed decision.

The Board is mindful of the needs of the voters who approved the library bond in 2004. As stewards of taxpayer dollars, it is our fiduciary responsibility to maximize the resources provided by the bond in order to provide the best possible library service for residents of the entire North Highline area. Please be assured that our actions will be guided by that responsibility.

Sincerely,

A handwritten signature in cursive script, reading "Richard Eadie".

Richard Eadie, President
King County Library System Board of Trustees

c: Representative Eileen Cody, 34th District
Senator Sharon Nelson, 34th District
Senator Margarita Prentice, 34th District
Representative Bob Hasegawa, 11th District

Burien, Washington
June 13, 2011

Board of Trustees
King County Library System
960 Newport Way NW
Issaquah, WA 98027

Dear Members of the KCLS Board,

The members of the White Center Library Guild join in congratulating the King County Library System for having just been awarded the "Gale/Library Journal 2011 Library of the Year Award". This is a great honor and one that has come about because of the creative and hard work of library staff, the "Friends" groups, the taxpayers who consistently support KCLS in voting for capital and program funding, and especially the patrons who just "love" their libraries.

As we want to continue accessing the high quality of KCLS, we also want you to hear the voices of our particular communities, who are not ready to go forward with a consolidation of the White Center and Boulevard Park libraries. We feel that the effort of the KCLS to distribute their services should "equitably" meet the needs of our communities as well as those of the "highly educated, tech-savvy population", referenced by Director Ptacek in a June 8, Seattle Times article. This is exactly why we want every possible resource for the children and families who use our libraries, so they too can become "highly educated and tech-savvy".

Our Guild created a "Committee to Save Our Libraries" in an attempt to give voice to those using our libraries and whose voices are not expressed in surveys or in distant meetings. We are in the process of gathering petitions to provide an important snapshot of their concerns. Our petition makes three statements:

"We, the undersigned, wish to maintain the White Center and Boulevard Park libraries in their current locations.

Accessible libraries are crucial to the academic improvement of our children who struggle to overcome poverty.

We ask the KCLS Board of Trustees to delay any decision about the future of our libraries until after annexation is resolved."

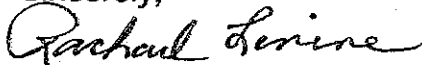
If you want additional inspiration for your library advocacy, I invite you to stand behind our make-shift signing station (a "retro" ironing board) and observe the individuals who are eager to give support with their signature. Illustrating the crucial aspect of access was the "address" of one middle-school student, who wrote "5 minute bike ride". At this point we have collected over 200 signatures from actual patrons.

In 2004, we campaigned on the street in White Center with a pink flyer produced by and carrying the logo of the KCLS. This flyer promised a new "10,000 sq. ft. White Center Library and upgrades to Boulevard Park Library as well. There was no mention of a consolidated library then, nor was there any mention of a consolidated library in the 2007 KCLS publication, "Strategic Planning Guidelines for Library Improvement Modifications". There was mention of a "potential annexation to Seattle". So if annexation is the issue and no creative way to solve the "proximity problem" has emerged, why not wait with your decision? What support, beyond that of the KCLS administration, do you have for making a decision at this time?

Because neither I, nor any member of our Guild has to my knowledge received direct communication from you in answer to our questions or concerns, we have turned for support to our elected officials. As the KCLS staff has always responded to our requests for information, I would like to know if there is a "a no-contact" policy with the Board.

You are the ultimate decision makers for KCLS services in communities, often remote to your everyday lives. It is my opinion that the greatest deference be given to the wishes of the residents, library patrons and elected officials of those communities.

Sincerely,



Rachael Levine, President
White Center Library Guild

cc Bill Ptacek, Director
Burien City Council
North Highline Unincorporated Area Council
31st and 11th District Legislators
Joe McDermott, King County Council
White Center Library Guild

Lisa Clausen

From: Lisa Clausen
Sent: Monday, July 11, 2011 10:39 AM
To: 'Hans Leistina'; Scott Kimerer (Burien PD); Sgt. Henry McLauchlan
Cc: Cindy Andrus; Public Council Inbox
Subject: RE: Fireworks at Mormon Church, 177th Place South, Burien

Mr. Leistina,

Thank you for your correspondence and for clarifying that you wish for it to be provided to the Burien City Council. It will be provided to the Council and appropriate City staff, and included in the Correspondence for the Record for an upcoming Council meeting.

Lisa Clausen
City Manager's Office

From: Hans Leistina [mailto:hans_leistina@yahoo.com]
Sent: Saturday, July 09, 2011 7:39 AM
To: Scott Kimerer (Burien PD); Lisa Clausen; Sgt. Henry McLauchlan
Cc: Cindy Andrus
Subject: Fw: Fireworks at Mormon Church, 177th Place South, Burien

Last January, Sgt. Henry McLauchlan met with an Elder of subject Mormon Church. The Sgt. was assured that the Church would provide security on

July 4th and ensure that their Parking Lot was not used for illegal fireworks. In prior years the Church has failed to control the illegal activity on their property.

(The Church Elders have been aware for several years that this has been going on.)

Well, all our efforts have failed - last July 4th, the fireworks activity was the worst ever.

This illegal activity is so bad and so blatant that it is my personal opinion that the Church is actually sponsoring the activity - since they are consciously making their large parking lot available.

Does the City of Burien have any recourse against organizations who wilfully violate the fireworks ordinance?

Hans Leistina

Unit D-35

17431 Ambaum Blvd. South.

Burien, WA 98148

--- On Thu, 1/13/11, Kimerer, Scott <Scott.Kimerer@kingcounty.gov> wrote:

From: Kimerer, Scott <Scott.Kimerer@kingcounty.gov>
Subject: Fireworks
To: "hans leistina@yahoo.com" <hans_leistina@yahoo.com>
Cc: "Lisa Clausen" <LisaC@burienwa.gov>, "McLauchlan, Henry" <Henry.McLauchlan@kingcounty.gov>
Date: Thursday, January 13, 2011, 12:41 PM

Mr. Lesitina,

Thank you for the concerns you expressed in your e-mail dated January 1, 2011 reference the fireworks issues at the Mormon Church and helicopter noise / suggested response on New Years and the 4th of July.

As you discussed with Sgt. McLauchlan, he will contact the Mormon Church next to your residence and see what can be done about the folks who gather in the church parking lot to light fireworks on New Years and the 4th of July. Both you and Sgt. McLauchlan recognize that these events are not sponsored by the Mormon Church. Hopefully, Sgt. McLauchlan will be able to find cooperation and a solution by working with and communicating your concerns to the church leadership.

Reference your thoughts on deploying the Police helicopter on these two holidays, Sgt. McLauchlan explained that he would talk to the KCSO Air Support Unit and see what could be done.

I believe that in taking these actions we have effectively addressed your concerns. Please feel free to contact myself or Sgt McLauchlan if you have any other issues or concerns in the future.

If you have any questions or concerns, please feel free to contact me.

K. Scott Kimerer

Police Chief/City of Burien

206-296-3342 office/voice mail

206-296-0916 fax

To Councilman Robison
To the Burien City Council
To the Burien Planning Commission
July 12, 2011

RECEIVED

JUL 12 2011

CITY OF BURIEN

Subject: The three attached letters that specifically state that the Lake Burien Neighborhood has requested that Land Use for this neighborhood be put on the docket for the Comprehensive Plan update for 2011.

To the City Council and the Planning Commission:

The Lake Burien Neighborhood has written to you three times in the last two months and has provided oral testimony to you requesting that the Lake Burien Neighborhood be put on the work docket for the update to the Comprehensive Plan-2011.

The 1997 Environmental Impact Statement which the city is currently operating under clearly states that the Lake Burien Neighborhood should remain under the Preferred Model (Low Density) for land use. This was the mitigation that was used to get the 1997 and 2003 Burien Comprehensive Plans approved. In 2005 the Puget Sound Regional Council challenged how the City of Burien was designating the neighborhoods west of Ambaum as low density residential. The City justified the land use for these areas to the Puget Sound Regional Council by stating that the designation was justified to protect critical areas. The Lake Burien Neighborhood fits that designation and, as such, should be low density.

At the City Council meeting of July 11, 2011, when Councilmember Robison (tape time 1:05:58) requested further information about citizen requests for the Comprehensive Plan Update, Mr. Greenberg/city staff member completely ignored and failed to mention the Lake Burien Neighborhood request for land use update. Mr. Greenberg evaded this clear and obvious request from the Lake Burien Neighborhood by implying, in his response to the City Council, that it was the "same issues as far as doing a neighborhood plan". Evasion is the worst form of lying for government as it is a premeditated subterfuge against the citizenry.

e·va·sion—noun—dictionary.com definition

an act or instance of escaping, avoiding, or shirking something.

the avoiding of an argument, accusation, question, or the like, as by a subterfuge,

a means of evading; subterfuge; an excuse or trick to avoid or get around something.

Mr. Greenberg further implied in his response to the City Council that the Lake Burien Neighborhood request had only gone to the Planning Commission. Attached are the three letters that the Lake Burien Neighborhood sent to the City of Burien. Please note that all three letters were sent to both the City Council as well as the Planning Commission. The City Council has always been involved in this request.

CFTR 07/18/11

The Lake Burien Neighborhood has clearly and emphatically stated on repeated occasions that it is requesting the land use for this neighborhood be examined in this Comprehensive Plan update-2011. The Lake Burien Neighborhood (we) submitted its request in within the appropriate timelines. We have been specifically told by the city staff that this is the appropriate time that requests on land use are addressed. The Puget Sound Regional Council has told us that this is the appropriate time under the Growth Management Act (GMA) that citizen requests about land use should be submitted to a city. In spite of following the rules set out by the GMA, our request has been ignored. Not only has it been ignored but based on the statements from Mr. Greenberg at the July 11, 2011 City Council Meeting, he makes it appears as if we never even made this request for land use to be placed on the work docket.

The Lake Burien Neighborhood (162 Petitioners) have requested that the land use for the Lake Burien Neighborhood be placed on the Comprehensive Plan Update docket that will be occurring during the next year 2011. This is the appropriate time that neighborhoods and citizens have the right to request that land use in the city be reviewed per the GMA. If it is not placed on the work docket, we are requesting that the city provide an explanation as to why this citizen request can not be granted. This request is not capricious in nature as it involves the appropriate protection to critical areas per the GMA as well as the protection of water quality which constitutes a public health and safety issue. The city has not been following the EIS (Best Available Science) which it commissioned and paid for in 1997. The evasion of this specific citizen request on land use at a City Council Meeting or the statement that this is really a request for a neighborhood plan-which is clearly untrue-at a City Council Meeting are not acceptable excuses to ignore a valid citizen request for land use examination during an update to a Comprehensive Plan. This is not the way an honest, transparent, democratic government operates. Something is very seriously wrong with the way this city ignores citizen input to the Comprehensive Plan process.

Sincerely,
Chestine Edgar and the
Lake Burien Neighborhood

Attachments:

- May 24, 2011, Items for the Comprehensive Plan
- June 15, 2011, Comprehensive Plan Update
- July 6, 2011, Item for the Comprehensive Plan Update-Land Use in the Lake Burien Neighborhood

To: Burien Planning Commission
Burien City Council
RE: Items for the Comprehensive Plan
Date: May 24, 2010

To the Planning Commission and the City Council:

The Lake Burien Neighborhood-which is a real neighborhood as documented in your historical documents- is requesting that the following items be included in the Burien Comprehensive Plan which is now open for update and revision:

1. The Lake Burien Neighborhood be made low density residential on the land use map to protect the critical areas of Lake Burien, water quality of Lake Burien-Lake Burien Creek-Miller Creek and Puget Sound, to protect the wildlife that use these habitats, to protect the health and safety of the general public, to protect the environment of the Miller Creek drainage basin and to preserve the character of the neighborhood. The 1997 FEIS and the City's case to the 2005 Puget Sound Regional Council support that the Lake Burien Neighborhood should be low density residential in designation on the land use map.
2. The Lake Burien Neighborhood be given the opportunity to develop a neighborhood plan as referenced in the current Comprehensive Plan. While neighborhood plans are allowed in the Comprehensive Plan and in the application process for an amendment to the Comprehensive Plan, no one seems to know what the process is to get the City Council to approve a work plan to begin a neighborhood plan or to identify staff members to interface with. This needs to be hammered out in the Comprehensive Plan review.
3. The City continue its commitment to significant tree preservation in the city and that the significant trees surrounding Lake Burien-including those on 152nd SW be retained to preserve water quality, soil stability, reduce the installation of new amounts of impervious surface, control erosion, maintain habitat for wildlife and maintain the character of the neighborhood.
4. The City include Lake Burien and the Lake Burien Neighborhood in the Storm Drainage Master Plan and the Comprehensive Plan in their text, discussions and funding projects-as an area that exists and that has critical areas warranting protection.
5. The Comprehensive Plan include a commitment to preserving the shorelines of the City by creating and funding a process for monitoring and protecting the shorelines of the City from net loss as mandated by the SMP.
6. The Comprehensive Plan include a model for the term Significant Amounts of Critical Areas and a scientifically based methodology for this term and a definition for it, or, remove the term from the Comprehensive Plan.
7. The Comprehensive Plan include some additional commitment to maintaining water quality-surface waters, lakes and streams, wetlands through a Storm Drainage Plan that addresses better

data collection on storm water and non point pollution, a work program with citizens and adequate funding of needed improvements.

8. The Comprehensive Plan develop a component for the protection and preservation of lakes in the plan.

9. A component for encouraging and ongoing citizen participation in Comprehensive Plan process be added to the policy section of the Plan

10. Addendums to the FEIS at least be made available to parties of interest in the as suggested by the WACS during the process those parties are involved with by the City.

11.. These correction in the current errors in both the Plan and its supporting maps be done;
-2LU-2map needs to be corrected. Is it a density map or and intensity map? It is not both- and that the 3 new subareas that were created by the new NERA planning be put onto that map and into the text of the Comp Plan

-Correct the land use map. This map was first amended by Ordinance 255, June, 1999-it needs to show on the legend

-Correct the document for Application for an amendment to the Comp Plan to show the correct BMCs

-Correct Chapter 5 index of all of the Addendums to the FEIS to show that there was an addendum done in July, 1999 and not 2 done in January, 1999

-Correct the text of the Comp Plan text to what is the correct application and text of the 2LU-2 map

-Put the shorelines goals and policies after the Parks and Recreation section rather than imbedded in that section. Where it is makes it next to impossible for the average citizen to finds it.

-any maps that rely on identifying critical areas be corrected for accuracy, scale, and format.

Further, we are requesting that any future decisions on amendments to the Comp Plan be based on fact supported by BAS, the no net loss standard for shorelines and the criteria shown in the application form. Also that no future references to the Inness Case decision from the GMHB-as to why the city had to amend its Comp Plan in 1999 be made as the driving or decision criteria for any future Comp Plan decision. As you will recall the Inness Case was dismissed by the GMHB and there was no mandate in 1999 to amend the Comp Plan from the GMHB.

Thank you for your attention to these issues.

Sincerely,

The Lake Burien Neighborhood/ The 162 Lake Burien Neighborhood Petitioners

To the Burien Planning Commission
To the Burien City Council
Re-Comprehensive Plan Update
June 15, 2011.

To the Planning Commissioners and City Council Members;

Robert Howell of the Lake Burien Neighborhood met the timelines for submitting requests for things to be put on the Comp Plan update on May 23, 2011. He turned a written copy of those requests to you and the City Council. However, that letter was never gotten to the City Council for their last meeting. Also, the table of work for the next two years put forth by the City Staff completely ignores the requests made by our neighborhood. We are requesting that the table include an update for the land use map for the Lake Burien Neighborhood and updated information on the Lake Burien Neighborhood be added to the Comprehensive Plan.

1. The 1997 EIS mitigation for the approval of the Comp Plan required that the Lake Burien Neighborhood be low density-Preferred Model. While there have been Addendums to the EIS there has never been an analysis or change in mitigation for wetlands or streams and lakes.
2. The response by the City of Burien to the Puget Sound Regional Council in 2005, stated that because of the critical areas west of Ambaum, the City was going to keep those areas low density to protect the critical areas. However, major portions of Seahurst have no critical areas and are being protected at low density while the Lake Burien Neighborhood which is on the critical areas map is not being protected at low density. This is not applying the intent of the GMA correctly. this land use needs to be examined. We are requesting that the Burien Land Use Map and policies be re-analyzed during this Comp Plan update.
3. Lake Burien is not noted as a shoreline of the city in the Comp Plan. Lake Burien is not noted as being in any drainage basin in the city in the Comp Plan. We are asking that these items be corrected in the Comp Plan documentation.

The City Staff made findings on our Comp Plan Request last year that were incorrect to avoid approving our request.

1. There never was a Keith Inness case that went before the Growth Management Hearings Board that forced the City to make the Lake Burien Neighborhood moderate density.
2. The Lake Burien Neighborhood is a distinct neighborhood and has historically documented as a neighborhood in the City's documents-it is not part of the larger Gregory Heights neighborhood.
3. The Lake Burien Neighborhood is currently low density in character and always has been. The City Staff has created models that are not supported by the PSRC and other cities on this issue.
4. The City claimed that the PSRC would not allow this neighborhood to be low density because the PSRC would not allow it. the PSRC denies that statement and says Burien can move and puts its GMA numbers anywhere it wants to. The PRSC actually supports low density as a land use model to protect critical areas like Lake Burien.
5. The City Staff claimed that Lake Burien was not a critical area and then it claimed that there were not significant amounts of critical areas in the neighborhood. Both of these claims are

untrue. Then when the Case was referred to the Growth Management Hearings Board, the City's attorney claimed that significant amounts of critical areas were not even considered in the denial of our request to be low density. Hum, very different than the discussions that were taped for both the Planning Commission as well as the City Council.

6. The City Staff claimed that there were adequate facilities and ordinances in the city to protect the critical areas of Lake Burien without changing the land use. We know that is not true as Lake Burien has not even been put into the Storm Drainage Plan as being in any drainage basin. Also there has been not major funding or planning done for Lake Burien since 1996. We have had flooding in this area-the storm outlets are not adequate or functioning correctly. The City Staff openly admit this. There is no required low impact development required in this area or the entire City to protect this drainage basin. The Critical Areas ordinance has been inadequate to protect the area-not based on Best Available Science or the no net loss standard. As a result the water quality in the lake has been degrading. Clearly there are not adequate facilities or regulations to protect this water source and its critical areas.

7. The City Staff claimed that the protect of water quality is not a public good to warrant a change to land use. No other agency in the Puget Sound region supports that position.

Our neighborhood-162-petitioners-are requesting that the land use policies and map be examined for the Lake Burien Neighborhood based on the findings of the 1997 EIS, Burien's 2005 response to the PSRC, lack of adequate planning and funding for facilities for the area and based on its status as a shoreline with critical areas.

Sincerely,

The Lake Burien Neighborhood
C. Edgar

To the Burien Planning Commission

To the Burien City Council

July 6, 2011

RE Item for the Comprehensive Plan Update-Land Use in the Lake Burien Neighborhood

To the Planning Commissioners and the City Council Members;

The Lake Burien Neighborhood(162 petitioners) have requested that the land use for the Lake Burien Neighborhood be placed on the Comprehensive Plan Update docket that will be occurring during the next year-2011. This is the appropriate time that neighborhoods and citizens have the right to request that land use in the city be reviewed. We asked for this at the last Planning Commission Meeting and were turned down based on an argument put forth by Mr. Helms-Planning Commissioner. Mr. Helms's position was that all critical areas in all neighborhoods should be treated equally and therefore should be reviewed when the Critical Areas Ordinance comes up for review-2014. Therefore the Lake Burien Neighborhood should be looked at only when the Critical Areas Ordinance comes up for review-2014. Strangely the City Staff did not clearly explain the flaw of this argument to Mr. Helms and the other Planning Commissioners. **These are the flaws** in that argument;

1. The Comprehensive Plan is the guiding document for Land Use in the city. The Critical Areas Ordinance does not set the policy for land use. Therefore land use issues and policies should be reviewed when the Comprehensive Plan comes up for review-right now.

2. Once the new Shoreline Master Plan (SMP) goes into effect, the Lake Burien and the shorelines around it will no longer be regulated by the Critical Areas Ordinance. It will be controlled by the Shoreline Master Plan and the Critical Areas Ordinance embedded in that plan. Therefore any review of the Critical Areas Ordinance in 2014 will not include the Lake Burien or a major portion of the surrounding neighborhood. And any Best Available Science Studies done for critical areas, 2014-in the city will not include Lake Burien.

3. We have requested that the city include a land use study in the new SMP and the city has flatly refused to do that claiming that the appropriate time for that is during a review of the Comprehensive Plan 2011-which is now.

4. Under the Growth Management Act, this is the appropriate time to ask for a land use study of the area and the Planning Commission is now claiming that this should happen during the Critical Areas Ordinance. The City Staff has clearly not communicated to the Planning Commissioners when land use policies should be examined and evaluated per citizen request during the Comprehensive Plan update.

5. Lake Burien and the surrounding shorelines are a one of a kind item in this city. Flatly there are no other freshwater lake shorelines in the City of Burien that have the kinds of critical areas that Lake Burien has. It cannot be looked at by Mr. Helms's invented standard of fairness that all neighborhoods that have critical areas be treated equally-as all of the critical areas in the city are not all equal and how these critical areas impact the neighborhood are not equal. That is not the standard set for critical area protection by the Growth Management Act.

6. To suggest per the last vote of the Planning Commission, that the next available time that land use in the Lake Burien Neighborhood can be examined is in the year 2019 or 2020 is lunacy. The SMP and the Critical Areas Ordinances cannot be used as excuses for why land use is not being examined during the Comprehensive Plan. Also, they cannot be used as excuses for why the Best Available Science standard is not being employed for the protection of a shoreline with critical areas under land use policies.

Lake Burien is a shoreline with critical areas and as such warrants protection under the Growth Management Act. The 1997 Environmental Impact Statement (EIS)-which the city is still using for this Comp Plan Update-clearly states that the land use around Lake Burien is to be low density land use-the Preferred Model. None of the Addendums to this EIS have provided any studies, mitigations, significant changes in regulations or funding plan changes that have altered the 1997 EIS for the Lake Burien Neighborhood.

Also, we-the neighbors of the Lake Burien Neighborhood- believe that the City Staff has the responsibility to educate the City Council as well as the Planning Commissioners on the purposes, contents and roles of the respective plans that drive the City's policies and regulations. It is clear that not all of the Planning Commissioners or City Council members understand the how these documents are to be used and applied. Of course it remains the responsibility of the City Council and Planning Commissioners to at least read these documents and ask the appropriate questions of the staff. Staff has the responsibility to give honest, clear responses to questions. Under the Growth Management Act, responses should be given so that a citizen of normal intelligence is able to understand the answer or the written response. That is not the way that answers are currently being provided to the public in Burien. Frequently citizen requests are not even given the courtesy of a response by the staff, Council or Planning Commission.

In a response to the Puget Sound Regional Council-2005, the City of Burien argued that the neighborhoods west of Ambaum would remain low density due to their critical areas. The same land use standard should be applied to the Lake Burien Neighborhood following that logic.

Therefore, the Lake Burien Neighbors are requesting that the land use be examined for the Lake Burien Neighborhood-per its status as a shoreline with critical areas- and be included in this update to the Comp Plan and that this land use item be put on the work docket for the Comp Plan.

Sincerely,

Chestine Edgar and

The Lake Burien Neighborhood

Monica Lusk

From: Monica Lusk
Sent: Wednesday, July 13, 2011 1:15 PM
To: 'Michael Noakes'
Subject: RE: Document to be included in City Council Packet

Thank you for writing to the Burien City Council. Your message will be included in the Correspondence for the Record for the 7/18 Council meeting.

Monica Lusk
City Clerk

-----Original Message-----

From: Michael Noakes [<mailto:noakes.michael@gmail.com>]
Sent: Wednesday, July 13, 2011 12:27 PM
To: Monica Lusk
Subject: Document to be included in City Council Packet

Dear Ms Lusk,

I hope this note finds you well.

The BMHA developed a memo last week which we hope could be a template for advancing the SMP discussion. We provided a copy to Staff and City Council in person but we have decided we would like to include the same item in the City Council packet for July 18 so that it is more fully distributed. I believe the cut off for this is today. If this is correct, could you please include it? Please let me know if I have mis-recalled the cutoff.

With best regards,

Michael D. Noakes

CFTR 07/18/11



Setbacks/Buffers in the Burien Marine Shoreline

In late April of 2011 the Department of Ecology (DOE) approved Burien's comprehensive update to its Shoreline Master Program (SMP) subject to Burien's acceptance of a number of required changes. DOE also recommended a smaller list of suggested changes. Nearly all of the changes were judged to be consistent with the direction the Burien City Council established during their review of the SMP update and have been adopted by the City. Unfortunately there were four required changes that the City was not able to accept:

- 1) A requirement to seek a shoreline variance permit for certain developments in Critical Areas
- 2) The removal of a clause to limit watercraft access from potential future public access areas on Lake Burien
- 3) A limitation on the ability to replace a destroyed home if that home would require the continued maintenance of shoreline stabilization i.e. an existing bulkhead
- 4) An expansion of the proposed 20' Marine buffer to a 65' (50' + 15') buffer/setback for Shoreline Residential Designation

It is the understanding of the Burien Marine Homeowners Association (BMHA) that the Department of Ecology and the City of Burien are currently struggling to find a way to resolve these final points of concern and that DOE is considering a formal Denial of the Burien SMP. This step would lead to multiple points of legal Appeal and a possible requirement for DOE to staff an effort to complete Burien's SMP update. We believe this step would be unfortunate for all stakeholders and we recommend that DOE and the City of Burien continue to work together to find effective solutions to the remaining points of disagreement.

The BMHA does not have a position on items (1) or (2) from the list of unresolved concerns. We are concerned to see a new limitation on the reconstruction of a destroyed home and we may take that issue up in a second memo.

However for this memo we will focus on the topic of setbacks and buffers for the Marine Shoreline. We believe this is the most technically challenging of these four issues and the one where we have the most to contribute.

Most of the discussion on buffers and setbacks has aimed to determine a single standard for the entire Marine Shoreline. We believe that the variety of conditions along the shoreline coupled with the paucity of relevant science means that this is an inherently flawed approach.

In this memo we advance two alternatives that we believe would be more fruitful. We do not intend to fully define the details of each approach but we hope to provide a sufficiently complete outline of the concept in a modest amount of text. Both approaches have been advanced by multiple parties over time and have received informal support during conversations with DOE representatives.

The first approach is based on a more fine-grained designation of conditions along the shoreline than is currently proposed. Setbacks and, as necessary, buffers are then tailored to match the local conditions. This provides the opportunity to develop dimensional standards that respond to the varied conditions along our Shoreline in an understandable way and hence are likely to be accepted by all stakeholders. We anticipate almost 1/2 of existing homes would be subject to standards that approximate the City's current approach, almost 1/2 of homes would approximate the DOE solution, and the remaining homes would be subject to hybrid of the solutions. The downside is the potential for additional complexity compared to a single standard for the entire Shoreline.

The second approach couples an aggressive baseline setback standard, e.g. 65', for the Shoreline Residential designation with a protected re-development envelope around any portions of an existing structure that lies within this area. This simple approach limits the threat of development creep while providing security, predictability, and flexibility to the owners of existing structures.

We explore these alternatives in more detail in the remainder of this memo.

Fixed Width Buffer/Setbacks for the Marine Shoreline

The concept of relying on fixed width buffers and setbacks in the SMP update can be traced to the first draft of the Update that was submitted to the Burien Planning Commission. The Marine Shoreline was partitioned into 4 Reaches labelled M1, M2, M3, M4. Reaches M1, M3, M4 were designated as "Shoreline Residential" and M2 was designated "Urban Conservancy". A casual review of conditions along the Marine confirm that M2, which includes Seahurst Park, has conditions that are significantly more natural than M1, M3, or M4. However a more careful analysis demonstrates a significant level of variation in development patterns within the Shoreline Residential designation that was not adequately reflected in the City's inventory, the dimensional standards, or the Cumulative Impacts Analysis.

We believe it is telling that a 50' Marine Riparian buffer was proposed for the entire Shoreline despite the considerable level of variability in conditions. The dimensional standards included a 15' building setback from the Riparian buffer. The primary difference in standards for Shoreline Residential and Urban Conservancy is the size of a Vegetation Conservation Buffer which was set at 150' and 200' respectively.

The initial concern with the (50+15)' buffer/setback was that it would render a large fraction of waterfront homes non-conforming structures; a disfavored status. While non-conforming status was a talking point during much of the early discussion of dimensional standards, our concern with this draft regulation matured as we developed our evaluations of Marine conditions. These evaluations demonstrated that significant portions of the Shoreline Residential designation are highly altered within the first 50' from Ordinary High Water Mark (OHWM). We do not believe it is logical to define a new regulation that impacts many private property owners but that is unlikely to be implementable for a meaningful fraction of our shoreline.

The Burien City Council concluded that the existing 20' setback, recast as a 20' buffer, in the context of the complete SMP is adequate to assure no-net-loss of ecological function given existing conditions. DOE objected to this claim and re-introduced the (50+15)' standard. While several concerns were advanced it appears that the primary objection is that a 20' setback/buffer for all of M1, M3, M4 provides too much opportunity for development creep. This debate becomes one of choosing a single standard for 4 miles of varied development patterns.

Varying Buffer/Setbacks to Address Existing Marine Conditions

A first alternative is to follow the approach that was adopted by the City of Kirkland during their comprehensive SMP update and that has been approved by DOE. Their SMP relies on six Shoreline Environment Designations which are applied to approximately 20 regions. Some regions run parallel to, but offset from, the direction of the shoreline, and some regions are as small as a single tax parcel. Varying setback standards have been developed for each designation and use. These are typically expressed as a percentage of lot depth and then subject to minimum and maximum standards. The dimensional standards do not define a fixed width buffer; buffers are defined where appropriate by application of their Critical Areas Ordinance. It is clear that Kirkland expended a great deal of effort to develop the details for this approach but it should be noted that their shoreline is significantly more complex than ours.

We do not attempt to provide a specific, detailed proposal for how this idea could be applied to the Burien Marine but we do offer a broad outline of this idea based on data we provided in our memo "*Setback Evaluation of the Burien Marine Shoreline*" of Dec 8, 2010.

In that document we provided property-level data for the Shoreline Residential designations (M1, M3, M4). We found it appropriate to refine the characterization of the 4 Reaches and define 13 *Reach Segments* based on local development patterns and structural features. We believe these segments represent a good starting point for an approach that mirrors the Kirkland solution.

Table 1 presents a summary for each segment in the Shoreline Residential designation. We show the number of homes, the median setback in feet, and some simple notes. The reader is directed to the referenced memo for parcel level detail and high quality aerial imagery.

Reach	Segment	Homes	Median (ft)	Notes
M1	Seola-30th	18	25	Highly altered to OHWM. Backed by road and steep slope
	Shorewood Lane	24	36	Homes at top and bottom of steep bluff. Varied conditions
	Standring Lane	24	26	Highly altered to OHWM. Backed by road and steep slope
M3	149-150-151	26	29	Significant alterations near OHWM. Backed by steep slope
	Maplewild Start	17	26	Homes at top and bottom of steep bluff. Varied conditions
	Indian Trail	53	43	Homes generally towards OHWM. Varied but less intensive.
	Three Tree Point	12	95	Deeper, flat lots. Significant use of lawn to OHWM
M4	171st	16	45	Narrow, densely packed, flat lots. Lawns to OHWM.
	172nd	41	77	All homes are behind a roadway and backed by a steep slope
	Seacoma Blvd	9	30	Highly altered to OHWM. Homes located well above waterline
	South Burien	35	87	Homes at top and bottom of steep bluff. Varied conditions

Table 1: A summary of 11 Shoreline Residential segments

Five of the segments, containing 108 of the 275 homes, are extensively developed adjacent to OHWM. These are labelled Seola-30th, Standring Lane, 171st, 172nd, and Seacoma Blvd. Very few of these homes have the potential to move closer to OHWM and none of the homes have any critical areas between the home and OHWM. It is our belief that a simple setback of 20' from OHWM would be consistent with the goals of the SMP for most of these homes. The six homes along Seola Lane are located in a small valley on deeper lots and are generally well over 50' from OHWM. A slightly larger building setback might be appropriate for these homes. This might be accomplished using the "percentage of lot depth" approach from Kirkland.

The homes along 30th Ave and Standring Lane are backed by steep slopes that are in natural condition. While we believe the Critical Area Ordinances are sufficient to protect these slopes, it might provide additional clarity to the SMP to implement a pair of shoreline designations parallel to OHWM. The more natural designation would be applied to a region that covers much of the segment between 100' and 200' from OHWM.

The Three Tree Point segment consists of 12 homes on larger flat lots. Most of the homes are located a meaningful distance from OHWM. All of these homes have extensively landscaped lawns and most have decks, accessory structures, and so on. There are no critical areas in this segment. This segment would be a candidate for a modest expansion of the current 20' building setback with the proviso that the few homes that might intrude in to an expanded setback would be defined as Conforming Structures per the current SMP proposal.

The segment at the north end of M3 is less intensively altered than the six segments we have just discussed but the development is focussed towards OHWM; the median setback is approximately 30' and almost all of the homes have a setback of less than 40'. These homes are backed by a steep slope that is in mostly natural condition. This segment might be a candidate for parallel shoreline designations to protect the ecological function that is present behind the homes. We believe a simple building setback of 20 - 30' would be appropriate for the waterfront homes in this segment.

Conditions in the remaining four segments, which contain 129 of the 275 existing homes, are considerably less uniform and these are the homes that present the greatest challenge to the fixed-width buffer/setback approach. Significant portions of these segments are impacted by steep slopes at a variety of distances from OHWM. Homes tend to be pushed to the top or bottom of these slopes depending on the position of the slope which leads to a large variation in setbacks for existing homes. We believe that development near these slopes is constrained by technology and by the Critical Area Ordinances that have been adopted by reference. It might be appropriate to define a new shoreline designation for these portions of these segments to add clarity to the SMP. The designation would highlight the inclusion of site-specific buffers to protect the steep slopes and a 20' building setback from this buffer and from OHWM. We anticipate that a more complete analysis, presumably as an element of an update to the Cumulative Impacts Analysis, would demonstrate that the typical buffer would be on the order of 50' and that few of the homes currently beyond 65' from OHWM would be able to move forward into this region.

The properties that are not impacted by steep slopes, we estimate that there are about 25 such homes, would be subject to a simple building setback. Careful analysis might suggest that a 20' setback from OHWM would be suitable for many or most of those properties. However it might be necessary to implement two regions with differing setbacks or to explore the use of a model that includes a consideration of a percentage of lot depth per the Kirkland SMP to satisfy DOE's focus on development creep.

We have attempted to outline the essential elements of this approach in just two pages of text. We believe an acceptable solution could be implemented with between two and four shoreline designations and perhaps a dozen regions. A complete development of this concept, including an update of the Cumulative Impacts Analysis, would require a meaningful level of effort and BMHA would be pleased to provide significant technical support for such an effort.

A Predictable Building Envelope

A second approach would define an aggressive setback standard for the Shoreline Residential designation; 65' is an obvious proposal. Portions of an existing structures that intrude in to this region would be protected by a well-defined building envelope that extends for, say, 15' around the foundation of the structure. This envelope would assure the ability to reconstruct a destroyed home and the flexibility to perform meaningful renovation so long as the development occurs within the envelope.

We believe that this significant setback meets the DOEs interest in preventing harmful levels of development creep. The use of an envelope provides predictability, and hence confidence, to the home owners. We note that many SMPs include language that explicitly provide for expansion of existing homes that are located within expanded setbacks and buffers; this is usually phrased in terms of a fixed area. This envelope achieves the same purpose but seems to be more easily appreciated and also adapts to the size of the home in a natural way.

We note that the Marine Shoreline includes a significant number of homes within 30' of OHWM and a number of regions with steep slopes which imply the existence of buffers per the CAO regulations that have been adopted by reference. The margin could not be used for **expansion** of an existing home towards OHWM if the resulting structure would have a setback of less than 20', or into a Critical Area buffer.

The approach appears to be simpler to define than the first alternative but suffers from being little more than a refinement of the current fixed-width proposals.

A Hybrid Solution

A final alternative might build on both of these ideas using a less complex application of a few shoreline designations coupled with the concept of the building envelope to adequately protect those homes that intrude in to the coarser-grained expanded setbacks.

Conclusion

The primary intent of this memo was to demonstrate that the few remaining issues that prevent adoption of the City's comprehensive SMP update need not be viewed as insurmountable differences. We have tackled one of the more technically challenging issue that has befuddled the development of the SMP for the Marine Shoreline and have proposed specific alternatives that we believe strike an appropriate balance among the needs of the key stakeholders.

We have limited our discussion to an outline level of detail but the BMHA would be pleased to contribute to the technical analysis that would support a successful completion of the SMP update process.

COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT
CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY
APPROVE FOR PAYMENT ON This 18th day of July, 2011 the FOLLOWING:

CHECK NOS. 28878-28995

IN THE AMOUNTS OF \$2,018,717.15

WITH VOIDED CHECK NOS. _____

Accounts Payable

Checks for Approval



User: liliac
Printed: 07/14/2011 - 10:10 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
28878	07/08/2011	General Fund	Animal Control Services	Community Animal Resource &		5,000.00
				Check Total:		5,000.00
28879	07/08/2011	General Fund	Telephone	COMCAST		61.91
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28880	07/08/2011	Transportation CIP	Settlement Agreements - claim	Frank Coluccio Construction Co		1,750,000.00
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28881	07/08/2011	General Fund	Professional Services	Ben Trevett		175.00
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28882	07/12/2011	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC		2,783.17
28882	07/12/2011	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC		2,783.16
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28883	07/13/2011	General Fund	Registration - Trainng/workshp	WSDA		66.00
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28884	07/18/2011	General Fund	Subscriptions/publications	ABC LEGAL		106.00
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28885	07/18/2011	General Fund	Professional Services	Affordable Backflow Testing		684.38

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28886	07/18/2011	General Fund	Office and Operating Supplies	ACE Hardware		5.46
28886	07/18/2011	General Fund	Office Supplies	ACE Hardware		1.96
28886	07/18/2011	General Fund	Office and Operating Supplies	ACE Hardware		6.11
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28889	07/18/2011	Parks & Gen Gov't CIP	Project Development	Anchor QEA, L.L.C.		1,187.75
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28890	07/18/2011	General Fund	Repair and Maintenance	Appearance Fence Inc		1,110.33
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28891	07/18/2011	General Fund	Parks Maintenance	Aquatic Specialty Services Inc		125.36
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28893	07/18/2011	General Fund	Professional Services	BERK		8,027.50
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28896	07/18/2011	General Fund	Citizens Patrol/ Crime Prevent	REUBEN BREED		105.92
Check Total:						105.92
28897	07/18/2011	General Fund	Office And Operating Supplies	Brim Press, LLC		21.90
28897	07/18/2011	General Fund	Printing/binding/copying	Brim Press, LLC		191.63
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28898	07/18/2011	General Fund	Prof. Svcs-instructors	Viola Brumbaugh		735.80
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28899	07/18/2011	General Fund	Animal Control Services	Community Animal Resource &		10,000.00
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28900	07/18/2011	General Fund	Office and Operating Supplies	Clay Art Center, Inc.		371.37
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28904	07/18/2011	Street Fund	Utilities - Traffic Signals	City of Seattle		1,229.47
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28905	07/18/2011	General Fund	State Lobbying Services	Michael D. Doubleday		2,850.00
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28906	07/18/2011	General Fund	Machinery/eqpt - Noncapitalize	Datec Inc.		171.39
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28906	07/18/2011	General Fund	Machinery/eqpt - Noncapitalize	Datec Inc.		198.02
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28908	07/18/2011	General Fund	Repair and Maintenance	Elidrew, LLC		11.83
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28909	07/18/2011	Street Fund	Fuel/gas/gasoline consumption	Fleet Services		2,014.04
28909	07/18/2011	General Fund	Fuel/gas/gasoline Consumption	Fleet Services		738.40
28909	07/18/2011	General Fund	Fuel/Gas Consumption	Fleet Services		118.89
28909	07/18/2011	Surface Water Management Fund	Fuel/gas/gasoline consumption	Fleet Services		2,408.75
28909	07/18/2011	General Fund	Fuel/gas/gasoline Consumption	Fleet Services		304.09
28909	07/18/2011	General Fund	Fuel/gas/gasoline Consumption	Fleet Services		200.50

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28911	07/18/2011	General Fund	Office And Operating Supplies	Grainger		75.75
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28912	07/18/2011	General Fund	Parks Building Security	Guardian Security		65.00
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28913	07/18/2011	General Fund	Human Svc-family/youth	Highline Area Food Bank		5,000.00
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28914	07/18/2011	Surface Water Management Fund	Other Travel	HEUNGKOOK LIM		127.40
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28915	07/18/2011	General Fund	Operating Rentals and Leases	Head-quarters		81.50
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28916	07/18/2011	General Fund	Professional Services	Highline School District #401		1,006.30
28916	07/18/2011	General Fund	Teen Programs	Highline School District #401		240.90
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28917	07/18/2011	General Fund	Operating Rents & Leases	IKON Office Solutions		777.47
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28918	07/18/2011	General Fund	Miscellaneous	Iron Mountain Rec. Management		41.10
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28919	07/18/2011	General Fund	Citizens Patrol/ Crime Prevent	Interstate Tire & Automotive		1,029.95

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28920	07/18/2011	General Fund	Prof. Svcs-instructors	Moodette Ka'apana		141.05
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28921	07/18/2011	General Fund	Drug seizure proceeds KCSO	King County Sheriff's Office		1,564.57
					Check Total:	1,564.57
28922	07/18/2011	General Fund	Drug seizure proceeds KCSO	King County Sheriff		730.00
					Check Total:	730.00
28923	07/18/2011	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S		5,510.00
					Check Total:	5,510.00
28924	07/18/2011	General Fund	Prof. Svcs-instructors	Cecilia Koschorreck		1,285.70
					Check Total:	1,285.70
28925	07/18/2011	Transportation CIP	Construction - Inspection	KPG, Inc.		58,690.33
					Check Total:	58,690.33
28926	07/18/2011	General Fund	Prof. Svcs-instructors	Lori Leberer		80.00
					Check Total:	80.00
28927	07/18/2011	General Fund	Prof. Svcs-instructors	Alexander Lewis		990.00
					Check Total:	990.00
28928	07/18/2011	General Fund	Office and Operating Supplies	Leisuremore Corporation		264.82
					Check Total:	264.82
28929	07/18/2011	General Fund	Professional Services	Latinos for Community Transfor		4,694.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
Check Total:						4,694.00
28930	07/18/2011	General Fund	Prof. Svcs-instructors	Galina Malevannaya		120.00
Check Total:						120.00
28931	07/18/2011	General Fund	Prof. Svcs-instructors	Jacob Matthew		592.80
Check Total:						592.80
28932	07/18/2011	General Fund	Office and Operating Supplies	McLendon Hardware, Inc.		5.42
28932	07/18/2011	General Fund	Office and Operating Supplies	McLendon Hardware, Inc.		154.81
Check Total:						160.23
28933	07/18/2011	General Fund	Instructors Prof Svcs	Momentum Dance Academy		374.15
Check Total:						374.15
28934	07/18/2011	General Fund	Human Svc-family/youth	Matt Griffin YMCA		6,000.00
Check Total:						6,000.00
28935	07/18/2011	General Fund	Sales Tax Auditing Costs	Microflex, Inc.		145.00
28935	07/18/2011	General Fund	B&O Tax collect & audit	Microflex, Inc.		1,927.74
28935	07/18/2011	General Fund	B&O Tax collect & audit	Microflex, Inc.		171.41
28935	07/18/2011	Street Fund	Dt Business License Svcs	Microflex, Inc.		4,052.16
Check Total:						6,296.31
28936	07/18/2011	Street Fund	Repairs And Maintenance	Miller Paint Co.		104.14
28936	07/18/2011	Street Fund	Repairs And Maintenance	Miller Paint Co.		16.59
Check Total:						120.73
28937	07/18/2011	General Fund	Prof. Svcs-instructors	Scott A. Miller		675.35
Check Total:						675.35
28938	07/18/2011	General Fund	Strawberry Festival	National Barricade Co. LLC		432.63

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	432.63
28939	07/18/2011	General Fund	Building Maintenance	NBM Corporation		1,648.03
28939	07/18/2011	General Fund	Building Maintenance	NBM Corporation		492.25
					Check Total:	2,140.28
28940	07/18/2011	General Fund	Instructors Prof Srvs	New City Dance Company		1,231.02
					Check Total:	1,231.02
28941	07/18/2011	General Fund	Registration - Trainng/workshp	Northwest Emergency Training		242.00
					Check Total:	242.00
28942	07/18/2011	General Fund	Prof. Svcs-instructors	Pamela Odegard		195.00
					Check Total:	195.00
28943	07/18/2011	General Fund	Strawberry Festival	Pacific Stage, Inc.		1,700.00
					Check Total:	1,700.00
28944	07/18/2011	General Fund	Instructors Prof Srvs	J. D. Paulson		400.00
28944	07/18/2011	General Fund	Instructors Prof Srvs	J. D. Paulson		350.00
					Check Total:	750.00
28945	07/18/2011	Street Fund	Repairs And Maintenance	Partner Construction Products,		3,968.28
					Check Total:	3,968.28
28946	07/18/2011	General Fund	Senior Trips	Petty Cash Custodian		142.90
28946	07/18/2011	General Fund	Office And Operating Supplies	Petty Cash Custodian		2.73
28946	07/18/2011	General Fund	Other Travel	Petty Cash Custodian		6.12
					Check Total:	151.75
28947	07/18/2011	General Fund	Petty Cash-other Imprest Funds	Petty Cash Custodian		50.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	50.00
28948	07/18/2011	General Fund	Professional Services	Pacifica Law Group		4,900.00
					Check Total:	4,900.00
28949	07/18/2011	General Fund	Repairs and Maintenance	Performance Mechanical Group		109.50
					Check Total:	109.50
28950	07/18/2011	General Fund	Instructors Prof Srvs	Nicole L. Pontillo		180.00
					Check Total:	180.00
28951	07/18/2011	General Fund	Printing/binding/copying	Print Place		538.74
					Check Total:	538.74
28952	07/18/2011	Street Fund	Utilities-street Lighting	Puget Sound Energy		1,595.15
28952	07/18/2011	General Fund	Utilities	Puget Sound Energy		1,468.30
28952	07/18/2011	General Fund	Utilities	Puget Sound Energy		160.19
					Check Total:	3,223.64
28953	07/18/2011	General Fund	Professional Services	Trevor Rasmussen		500.00
					Check Total:	500.00
28954	07/18/2011	General Fund	Refund Clearing Account -Parks	Heather McCulloch-Neal		36.00
					Check Total:	36.00
28955	07/18/2011	General Fund	Refund Clearing Account -Parks	Beth Williams		50.00
					Check Total:	50.00
28956	07/18/2011	General Fund	Mechanical Permit	Shirey Handyman Services		58.50
					Check Total:	58.50
28957	07/18/2011	General Fund	Plan Review-plumbing Permit	Bruce Mennella		150.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	150.00
28958	07/18/2011	Street Fund	Business Licenses	Growing Green Inc.		37.50
					Check Total:	37.50
28959	07/18/2011	General Fund	Electrical Permit	Keithly Electric		80.00
					Check Total:	80.00
28960	07/18/2011	General Fund	Refund Clearing Account -Parks	Shelly Aguilar		500.00
					Check Total:	500.00
28961	07/18/2011	General Fund	Refund Clearing Account -Parks	Nicole Chaudry		30.00
					Check Total:	30.00
28962	07/18/2011	General Fund	Refund Clearing Account -Parks	Karen (Karrie) Crotty		70.00
					Check Total:	70.00
28963	07/18/2011	General Fund	Refund Clearing Account -Parks	DUI Victims Panel of King Coun		50.00
					Check Total:	50.00
28964	07/18/2011	General Fund	Refund Clearing Account -Parks	Yliana Laury		30.00
					Check Total:	30.00
28965	07/18/2011	General Fund	Refund Clearing Account -Parks	Yvonne Lawrence		54.00
					Check Total:	54.00
28966	07/18/2011	General Fund	Refund Clearing Account -Parks	Madolyne Lawson		15.00
					Check Total:	15.00
28967	07/18/2011	General Fund	Refund Clearing Account -Parks	Jennifer Perry		100.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
Check Total:						100.00
28968	07/18/2011	General Fund	Refund Clearing Account -Parks	Refugee Women's Alliance		100.00
Check Total:						100.00
28969	07/18/2011	General Fund	Refund Clearing Account -Parks	Christy Topal		140.00
Check Total:						140.00
28970	07/18/2011	General Fund	Printing/binding/copying	Claude McAlpin, III		67.89
Check Total:						67.89
28971	07/18/2011	General Fund	Human Svc-family/youth	Refugee Support Services		1,000.00
Check Total:						1,000.00
28972	07/18/2011	General Fund	Prof. Svcs-instructors	Sandra Schneider		270.00
Check Total:						270.00
28973	07/18/2011	General Fund	Meals	Suburban Cities Association		90.00
28973	07/18/2011	General Fund	Meals	Suburban Cities Association		45.00
Check Total:						135.00
28974	07/18/2011	General Fund	Prof. Svcs-instructors	Alan Schmitz		650.00
Check Total:						650.00
28975	07/18/2011	General Fund	Office and Operating Supplies	Seattle Pottery Supply Inc.		36.14
Check Total:						36.14
28976	07/18/2011	General Fund	Advertising	Seattle Times		165.12
28976	07/18/2011	General Fund	Advertising	Seattle Times		211.14
Check Total:						376.26
28977	07/18/2011	General Fund	Office Supplies	Seatown Locksmith		54.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
Check Total:						54.75
28978	07/18/2011	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC		1,556.37
28978	07/18/2011	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC		259.40
28978	07/18/2011	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC		259.40
Check Total:						2,075.17
28979	07/18/2011	General Fund	Instructors Prof Svcs	Kevon Shea		412.50
Check Total:						412.50
28980	07/18/2011	General Fund	Nuisance Abatement Costs	Sherwin-Williams Co.		10.72
28980	07/18/2011	General Fund	Nuisance Abatement Costs	Sherwin-Williams Co.		10.72
Check Total:						21.44
28981	07/18/2011	General Fund	Prof. Svcs-instructors	Gretchen Sinclair		270.00
Check Total:						270.00
28982	07/18/2011	General Fund	Telephone	SPRINT		43.11
28982	07/18/2011	General Fund	Misc. EOC	SPRINT		57.69
28982	07/18/2011	General Fund	Drug seizure proceeds KCSO	SPRINT		363.72
28982	07/18/2011	General Fund	Telephone	SPRINT		113.15
28982	07/18/2011	General Fund	Telephone	SPRINT		43.11
28982	07/18/2011	General Fund	Telephone	SPRINT		1,593.25
28982	07/18/2011	General Fund	Telephone	SPRINT		323.63
28982	07/18/2011	Street Fund	Telephone	SPRINT		323.62
28982	07/18/2011	Surface Water Management Fund	Telephone	SPRINT		323.62
28982	07/18/2011	General Fund	Telephone	SPRINT		202.90
28982	07/18/2011	General Fund	Telephone	SPRINT		220.56
28982	07/18/2011	General Fund	Telephone	SPRINT		23.29
28982	07/18/2011	General Fund	Telephone	SPRINT		37.36
Check Total:						3,669.01
28983	07/18/2011	Surface Water Management Fund	Repairs And Maintenance	Superlon Plastics		1,300.08
Check Total:						1,300.08
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		70.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		51.00
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		51.00
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		129.00
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		89.00
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		51.00
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		172.50
28984	07/18/2011	General Fund	Utilities	Southwest Suburban Sewer Dist.		357.00
Check Total:						970.50
28985	07/18/2011	General Fund	Prof. Svcs-instructors	Bonnie Taschler		283.20
Check Total:						283.20
28986	07/18/2011	General Fund	Prosecution - City Atty	The Walls Law Firm		13,006.78
28986	07/18/2011	General Fund	Attorney Svcs - Litigation	The Walls Law Firm		1,412.50
Check Total:						14,419.28
28987	07/18/2011	General Fund	Parks Maintenance	Trugreen-landcare/NW Region		56,408.73
Check Total:						56,408.73
28988	07/18/2011	General Fund	Operating Rentals and Leases	United Site Services		173.00
Check Total:						173.00
28989	07/18/2011	General Fund	Professional Services	Waldron Resources		485.75
Check Total:						485.75
28990	07/18/2011	General Fund	Professional Services	Washington Cities Insurance Au		250.00
Check Total:						250.00
28991	07/18/2011	Street Fund	Landscape Maint - Utilities	Water District No. 20		121.50
28991	07/18/2011	General Fund	Utilities	Water District No. 20		682.02
Check Total:						803.52
28992	07/18/2011	General Fund	Utilities	Water District No. 49		179.80

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
						<hr/>
					Check Total:	179.80
28993	07/18/2011	General Fund	Probatn/public Defndr Screenng	Tammy Weigel		840.00
						<hr/>
					Check Total:	840.00
28994	07/18/2011	General Fund	Office And Operating Supplies	Walter E. Nelson Co.		178.07
28994	07/18/2011	General Fund	Office and Operating Supplies	Walter E. Nelson Co.		71.23
28994	07/18/2011	General Fund	Office Supplies	Walter E. Nelson Co.		106.84
						<hr/>
					Check Total:	356.14
28995	07/18/2011	Transportation CIP	design engineering	Washington State Department		17.64
28995	07/18/2011	Transportation CIP	Design - Engineering	Washington State Department		3.39
						<hr/>
					Check Total:	21.03
						<hr/>
						<hr/>
					Report Total:	2,018,717.15
						<hr/>
						<hr/>



CITY COUNCIL SPECIAL MEETING AGENDA

July 11, 2011

Special Meeting, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss potential litigation (TENTATIVE)

6:15 p.m.

and

Special Meeting, Council Chambers, 1st Floor

7:00 p.m.

400 SW 152nd Street
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library

SPECIAL MEETING

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:15 p.m. for the purpose of holding an Executive Session for the purpose of discussing potential litigation per RCW 42.30.110(1)(i).

Present: Mayor Joan McGilton, Deputy Mayor Brian Bennett, Councilmembers, Rose Clark, Lucy Krakowiak, Gerald F. Robison, and Gordon Shaw. Councilmember Jack Block, Jr. was absent

Administrative staff present: Mike Martin, City Manager and Craig D. Knutson, City Attorney.

No action was taken.

ADJOURNMENT TO COUNCIL SPECIAL MEETING

The Special Meeting was adjourned at 6:55 p.m.

CALL TO ORDER

Mayor McGilton called the meeting of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Deputy Mayor Brian Bennett, Councilmembers Rose Clark, Lucy Krakowiak, Gerald F. Robison, and Gordon Shaw. Councilmember Jack Block, Jr. arrived at 7:01 p.m.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Kim Krause, Finance Director; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak, and passed unanimously to affirm the July 11, 2011, Agenda with the addition of Revised Resolution No. 321, declaring the Navos Burien Mental Health Campus Area at 1210 SW 136th Street and 1115, 1123, & 1127 SW 134th Street as an Economic Target Area to Business Agenda Item 8 "c" for approval.

PUBLIC COMMENT

Maureen Hoffmann, 15634 Maplewild Avenue SW, Burien

Ms. Hoffmann asked that the Stable refining statement under the Community value in Vision for Burien be reworded because she felt the City does not meet the basic needs of the residents.

Rachel Levine, 430 South 124th Street, Burien

Ms. Levine thanked the Council for their support to delay the King County Library System's decision on the consolidation of the White Center and Boulevard Park Libraries.

Linda Dougherty, 19240 5th Avenue South, Des Moines

Mr. Dougherty, Burien Arts Association, asked that the Vision for Burien include the arts as an 8th Core Value. If not, she asked that the arts be included in the vision statement.

Georgette Valle, 1434 SW 137th Street, Burien

Former Councilmember Valle asked the Council to consider inviting President Obama to the Environmental Science Center's grand opening in October.

Maggie Larrick & Eric Dickman, 15007 24th Avenue SW, Burien

Ms. Larrick asked the Council to consider including arts and culture as an eighth value in the Vision for Burien.

David Johnson, 1210 SW 136th Street, Burien

Mr. Johnson, Navos Chief Executive Officer, voiced his support for Resolution No. 321. He provided a status on the funding for the new Navos building and invited all to an open house for the 1st Floor in October.

Roger DeLorm, 13254 2nd Avenue SW, Burien

Mr. DeLorm stated it took filling out a "How Are We Doing" form to get the City to respond to his complaint about the sidewalks by his home that are now fixed. He still has not heard from the City regarding the person that got hurt.

Lyle Harris, 419 Occidental Avenue South, #201, Seattle

Mr. Harris, Senior Housing Developer, voiced his support for Resolution No. 321, which will make getting additional funding for the Navos project a reality.

Carol Lumb, 1958 SW 164th Street, Burien

Ms. Lumb spoke to the continuous fireworks in her neighborhood on the 4th of July. She asked that a plan be put in place to enforce the ban on fireworks and suggested a central call location.

Bob Edgar, 12674 Shorewood Drive SW, Burien
Mr. Edgar, Sustainable Burien, asked that sustainability be addressed in the Comprehensive Plan Update.

CORRESPONDENCE FOR THE RECORD

- a. Email Dated June 20, 2011, from John Poitras, Linda Cutkomp and Winona Deyman Regarding Annexing White Center.
- b. Email Dated June 21, 2011, from Margarita M. Suarez Regarding Vision for Burien.
- c. Email Dated June 21, 2011, from Rebecca Lopes Regarding Annexing White Center.
- d. Letter Dated June 22, 2011, from Bruce Berglund Regarding Comcast Questionnaire.
- e. Email Dated June 27, 2011, from Andrew Tyler Regarding Dog Park.
- f. Letter Dated June 24, 2011, from City Manager Douglas Schulze, City of Normandy Park, Regarding Sylvester Road Bridge Replacement.
- g. Email Dated June 28, 2011, from Metropolitan King County Councilmember Larry Phillips Regarding the July 21st King County Council Transportation, Economy and Environment Committee Meeting.
- h. Letter Dated June 26, 2011, from Alice Madsen, Dean of Instruction for Professional Technical Education, Highline Community College, Transmitting Her Resignation to the Business and Economic Development Partnership.
- i. Email Dated June 27, 2011, from Burien Arts Board of Directors Linda Dougherty, John Unbehend, Laurie Haslund, Lance Haslund, Maria VanHorn and Sybil Davis Regarding Burien's New Vision.
- j. Email Dated July 5, 2011, from Russell Nelson Regarding Fireworks.
- k. Email Dated July 5, 2011, from Deborah Marlott Regarding Fireworks.
- l. Email Dated July 5, 2011, from Pat & Bob Price Regarding Visioning Statement.
- m. Email Dated July 6, 2011, from Chestine Edgar Transmitting Letter Regarding the Comprehensive Plan Update.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 28749 - 28877 in the Amounts of \$4,212,879.09.
- b. Approval of Minutes: Council Meeting, June 20, 2011.

Direction/Action

Motion was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak, and passed unanimously to approve the July 11, 2011, Consent Agenda.

BUSINESS AGENDA

Motion to Adopt the Final Vision for Burien

Direction/Action

Motion was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak, and passed unanimously to adopt the final Vision for Burien as amended to update the Stable refining statement under the Community value to read "Burien strives for stability by encouraging provision of basic services for all of its residents," update the Creative refining statement under the Prosperity value to read "Burien promotes and supports its rich palette of arts, culture and heritage," and update the Vision Statement to read "A vibrant and creative community, where the residents embrace diversity, celebrate arts and culture, promote vitality, and treasure the environment."

Motion to Adopt Resolution No. 322, Establishing the 2011-2012 Comprehensive Plan Amendment Docket

Direction/Action

Motion was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak, and passed unanimously to adopt Resolution No. 322, establishing the 2011-2012 Comprehensive Plan Docket.

Follow-up

Staff will provide the target numbers for dwelling units in a future City Manager's Report.

Discussion and Possible Motion to Adopt Resolution 321, Declaring the Navos Burien Mental Health Campus Area at 1210 SW 136th Street as an Economic Target Area

Direction/Action

Motion was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak, and passed unanimously to adopt revised Resolution 321 declaring the Navos Burien Mental Health Campus area at 1210 SW 136th Street and 1115, 1123, & 1127 SW 134th Street as an Economic Target Area.

Follow-up

Staff will explore other Economic Target Area applications.

Discussion of Business & Occupation Tax

Follow-up

Staff will schedule a re-examination of the Business & Occupation Tax during the budget discussions.

Discussion of Council Requested Financial Metrics

Follow-up

Staff will contact the Highline School District for student demographics, teacher information, and financial data for Burien only, and schedule a continued discussion under City Business at a future meeting.

City Business

Follow-up

Staff will explore the National League of Cities' Prescription Discount Program that is offered at no cost to city government and send letter to President Obama inviting him to the Environmental Science Center's Grand Opening in October.

COUNCIL REPORTS

No reports were given.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 8:53 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Presentation and Discussion on Redistricting		Meeting Date: July 18, 2011
Department: City Manager	Attachments: 1. June 6, 2011 “City Business” Information 2. State Congressional Districts Map 3. Legislative Districts Maps (Puget Sound & State) 4. King County Council District Draft Maps	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Lisa Clausen, Government Relations Specialist		
Telephone: (206) 248-5515		
Adopted Initiative: Yes No X	Initiative Description: N/A	
<p>PURPOSE/REQUIRED ACTION: Following presentations on the status of the State’s and King County’s 2011 redistricting work, City Councilmembers have the opportunity to discuss whether or not to provide official City input to either process.</p> <p>BACKGROUND (Include prior Council action & discussion): Every 10 years the U.S. Census provides new population data that affects the size of the state’s Congressional, legislative districts and the King County Council’s districts. The State Redistricting Commission and the King County Districting Committee are responsible for achieving a balanced distribution of the population identified through the 2010 U.S. Census. The State Commission and the King County Committee have been receiving public input on options for new boundaries for the districts.</p> <p>The City Council received information on the redistricting processes in the “City Business” Report for the June 6 Council meeting (see Attachment 1). For the July 18 meeting the Council is hearing presentations from representatives of the State Redistricting Commission and the King County Districting Committee.</p> <p>The growth in the State’s population is requiring the State Commission to redraw the Congressional district boundaries to add a 10th district. The changes in population required for the existing districts are shown in Attachment 2. The number of state legislative districts will remain the same but the population change since 2000 has led to the need to redraw the boundaries, to address the needed rebalancing shown in Attachment 3.</p> <p>The County Committee has developed four draft alternative district maps (Attachment 4). Of the four, one would divide Burien between the 8th District (the City’s current Council District, which would also include parts of Seattle, SeaTac and Tukwila, and the North Highline unincorporated area) and the 5th (which also would include parts of Des Moines, Kent, Normandy Park, Renton, SeaTac, and Tukwila). The other three options show Burien entirely within the 8th district, with varying percentages of Seattle and other cities also in the district (see data on the reverse side of the draft maps). The Committee has stated that the final map will not be exactly like any of the four draft maps.</p> <p>If the Council wishes to provide input to either process, the Council may direct the Mayor or staff to send a letter or submit comments on-line. The State Redistricting Commission has a deadline of the end of 2011 and the County Districting Committee is charged with completing a plan by January 15, 2012.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: Discuss potential effects of the state and county redistricting processes and whether the Council should offer input on preferences to either or both processes.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Lisa Clausen		
Administration _____	City Manager _____	
Today’s Date: July 12, 2011	File Code: R:\CC\Agenda Bill 2011\071811-cm-1 Redistricting.docx	

Status of 2011 Redistricting related to Burien

Burien's Congressional, legislative and King County Council district boundaries will all change due to the State and County redistricting processes this year.

State Process: Congressional and Legislative Districts

Congressional Districts

- Based on the 2010 Census and the population growth in Washington since 2000, the State was awarded a new Congressional District (#10).
- To create the new 10th District and achieve a target population of 672,454 for each (evenly dividing the population), existing districts' population numbers will decrease and their boundaries will shift.
- The 7th District (northern part of Burien, North Highline and Seattle), served by Congressman Jim McDermott, will be reduced by 31,771 (or 4.7%).
- The 9th District (southern part of Burien, east to Renton and south to Olympia/Yelm), served by Congressman Adam Smith, must be reduced by 50,675 (or 7.5%).
- Currently the line between the two districts in Burien essentially follows SW 146th/144th Streets. It is feasible that this line will shift to achieve the target population for the 7th and 9th Districts. Their eastern boundaries could also be adjusted.

Legislative Districts

- Burien is currently in three legislative districts and all three will need to expand to reach the target of 137,236 (new 2010 State population divided by 49 districts).
- The 11th District (Sen. Prentice; Rep.'s Hasegawa and Hudgins) needs to grow by 3,209 (2.3%).
- The 33rd District (Sen. Keiser; Rep.'s Orwall and Upthegrove) will expand by 7,990 (5.8%).
- The 34th District (Sen. Nelson; Rep.'s Cody and Fitzgibbon) will grow by 12,181 (8.9%).
- To achieve the target population, adjustments in the current districts' boundaries will be needed.
- Preliminary unofficial indications are that Burien's legislative district boundaries may all shift south and Burien may remain only in the 34th District. Additional research is continuing.

Possible City Involvement in State Process (Legislative and Congressional Districts)

- The City Council might want to consider a few questions, such as:

- Does the Council wish to express any preference about remaining in two Congressional Districts (both of the current members from the 7th and 9th have successfully advocated for Burien's projects and policy needs)?
 - Does the Council have any preference about remaining in three state legislative districts, or two, or is one acceptable?
- If the Council has no inclination about any boundary issues, they may still wish to provide comments about the Burien community (the Washington State Redistricting Commission invites the public to send "comments and insights" about their community and "what makes it whole").
 - Any participation by the City in the process may be done on-line or at a public forum in June or July; the next nearby forum is the evening of June 13 in Seattle; on June 14 a forum will be in Auburn.
 - City staff will keep track of the Commission's work via the Internet (Website, Listserv).

King County Council Districts

- Burien's Council District #8 has 202,346 residents, based on 2010 Census data.
- District 8 should expand by 12,237 to meet the target population for each district of 214,583.
- The District 8 change is the greatest of all nine districts. (Districts 1, 2, 4, 6, 7 also need to expand; Districts 3, 5 and 9 must shrink.)
- As it determines new District boundaries the King County Districting Committee must consider factors such as city boundaries, natural features, and "communities of related and mutual interest."

Possible City Involvement in County Process

- The King County Districting Committee expects to "consult with local jurisdictions and officials" before it develops "various district plan options."
- City staff will contact Committee staff to determine how the consultation process will occur (i.e. whether all cities will be contacted; how the Committee expects to consult with the cities).
- Whether or not Burien's input is obtained through the Committee's consultation process, the City Council may decide to provide information on their boundary preferences later in the year:
 - The Council may want to examine the Committee's proposed options after they're released for public review, and determine any preference for the Council District 8 boundary lines.
 - If the Council wants to provide input on a preferred option they may do so through on-line written input or at one of the Districting Committee hearings (not yet scheduled).

Status of Redistricting Schedules

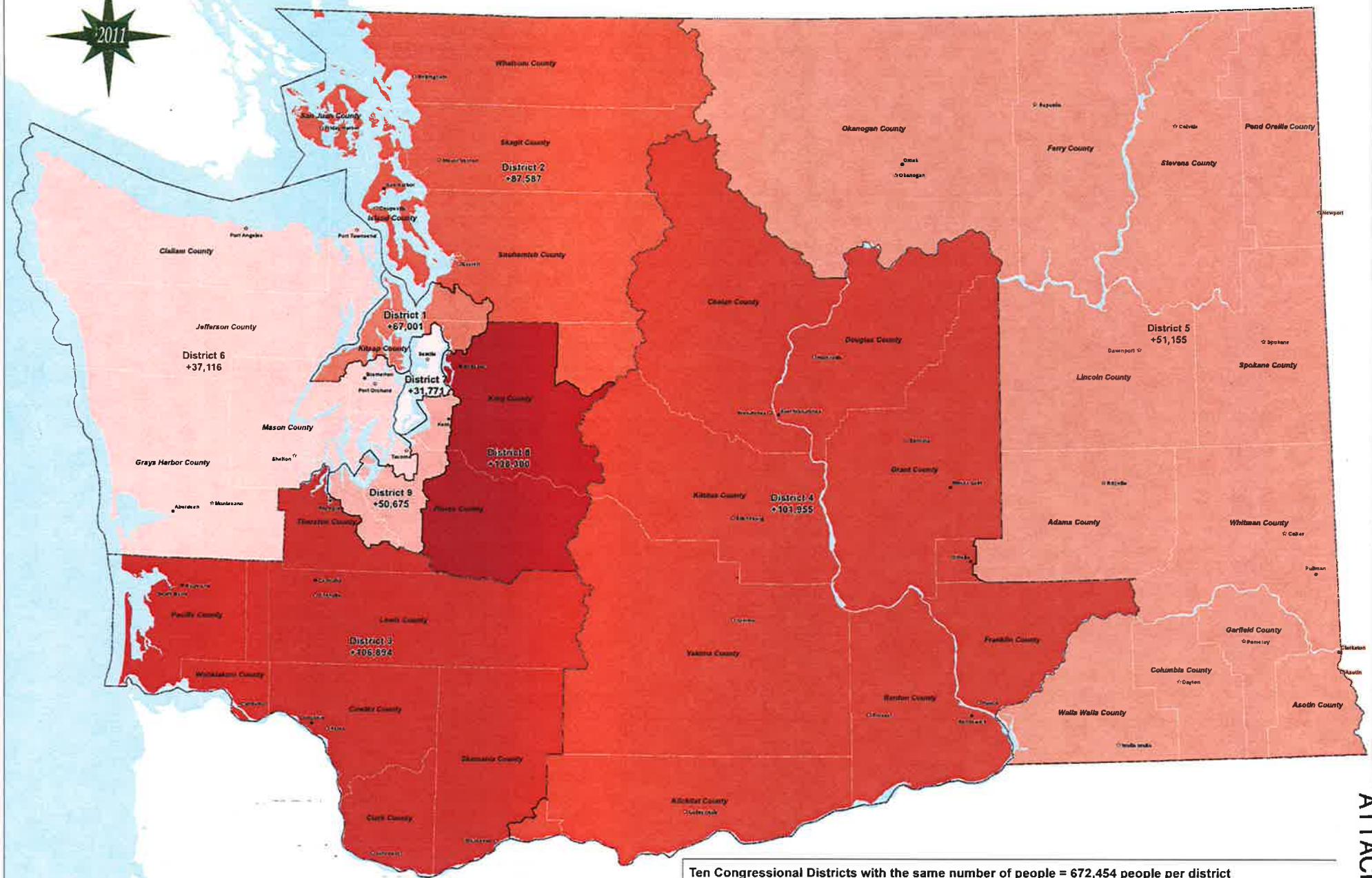
State Process

- The Washington State Redistricting Commission started to hold public forums around the state the last week of May and they conclude on July 14; then the Commission has scheduled monthly meetings for August through December to develop the redistricting plan.
- The next opportunity to attend a forum at a nearby location is on Monday, June 13, in Seattle.
- The Public Forums include an opportunity to follow along or participate through an interactive Webcast, available at www.redistricting.wa.gov.
- The State Commission offers the public the opportunity to submit their own proposals for drawing new district boundaries; the deadline is August 15, 2011.
- The Commission is supposed to agree on a plan by January 1, 2012. If no agreement is reached in time, the State Supreme Court must adopt a plan by March 1, 2012.

King County Process

- The King County Districting Committee must make the nine Council districts as equal in population as possible.
- As it determines new District boundaries the Committee must consider factors such as city boundaries, natural features, and "communities of related and mutual interest."
- The Committee concluded its first round of public hearings (three held in early May); it is starting to develop options for new boundaries and will hold public meetings to get feedback on those options.
- The Committee's Webpage (www.kingcounty.gov/operations/districting.aspx) offers the opportunity to provide testimony with an on-line form.
- The deadline for the final plan is January 15, 2012.

Congressional Redistricting Goal: Equal Numbers of People in Each District



Ten Congressional Districts with the same number of people = 672,454 people per district

Current district total populations (lowest to highest)

7th District - Pop. 704,225 (31,771 too many)	5th District - Pop. 723,608 (51,155 too many)	4th District - Pop. 774,409 (101,955 too many)
6th District - Pop. 709,570 (37,116 too many)	1st District - Pop. 739,455 (67,001 too many)	3rd District - Pop. 779,348 (106,894 too many)
9th District - Pop. 723,129 (50,675 too many)	2nd District - Pop. 760,041 (87,587 too many)	8th District - Pop. 810,754 (138,300 too many)

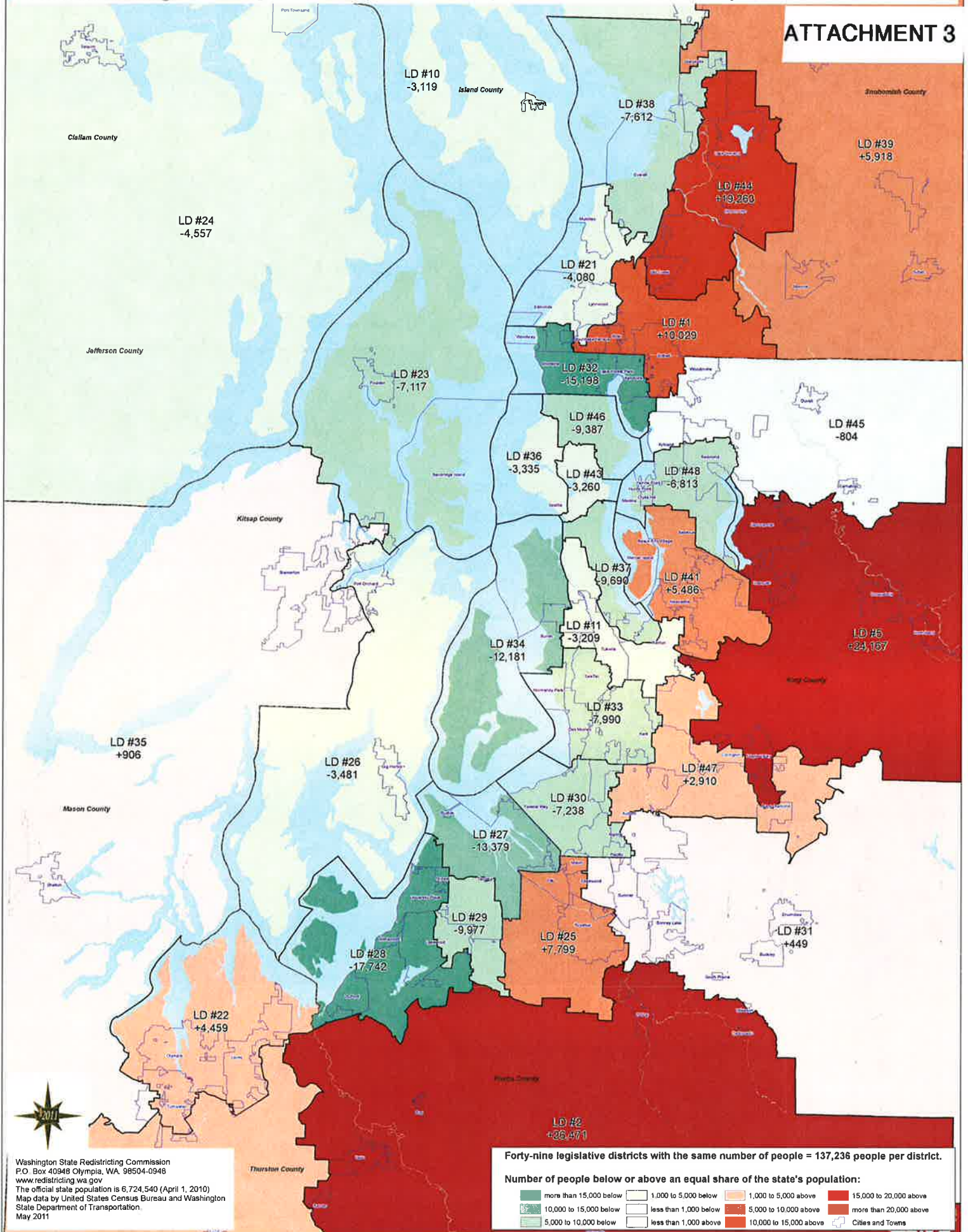
Washington State Redistricting Commission
P.O. Box 40948 Olympia, WA. 98504-0948
www.redistricting.wa.gov

The official state population is 6,724,540 (April 1, 2010)

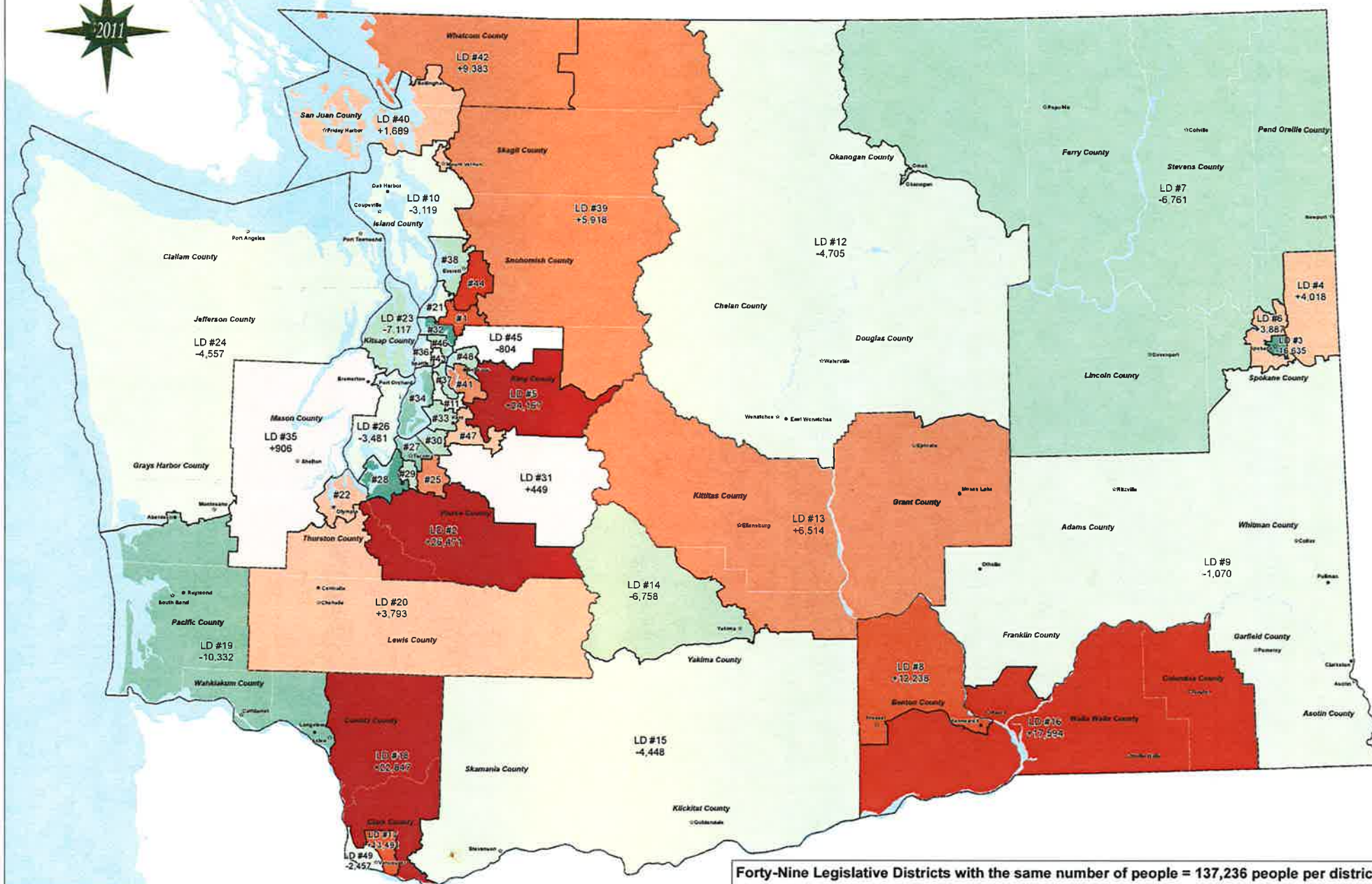
Map data by United States Census Bureau and Washington State Department of Transportation.
May 2011

Rebalancing the Legislative Districts: Equal Numbers of People in Each District

ATTACHMENT 3



Rebalancing the Legislative Districts: Equal Numbers of People in Each District



Forty-Nine Legislative Districts with the same number of people = 137,236 people per district.

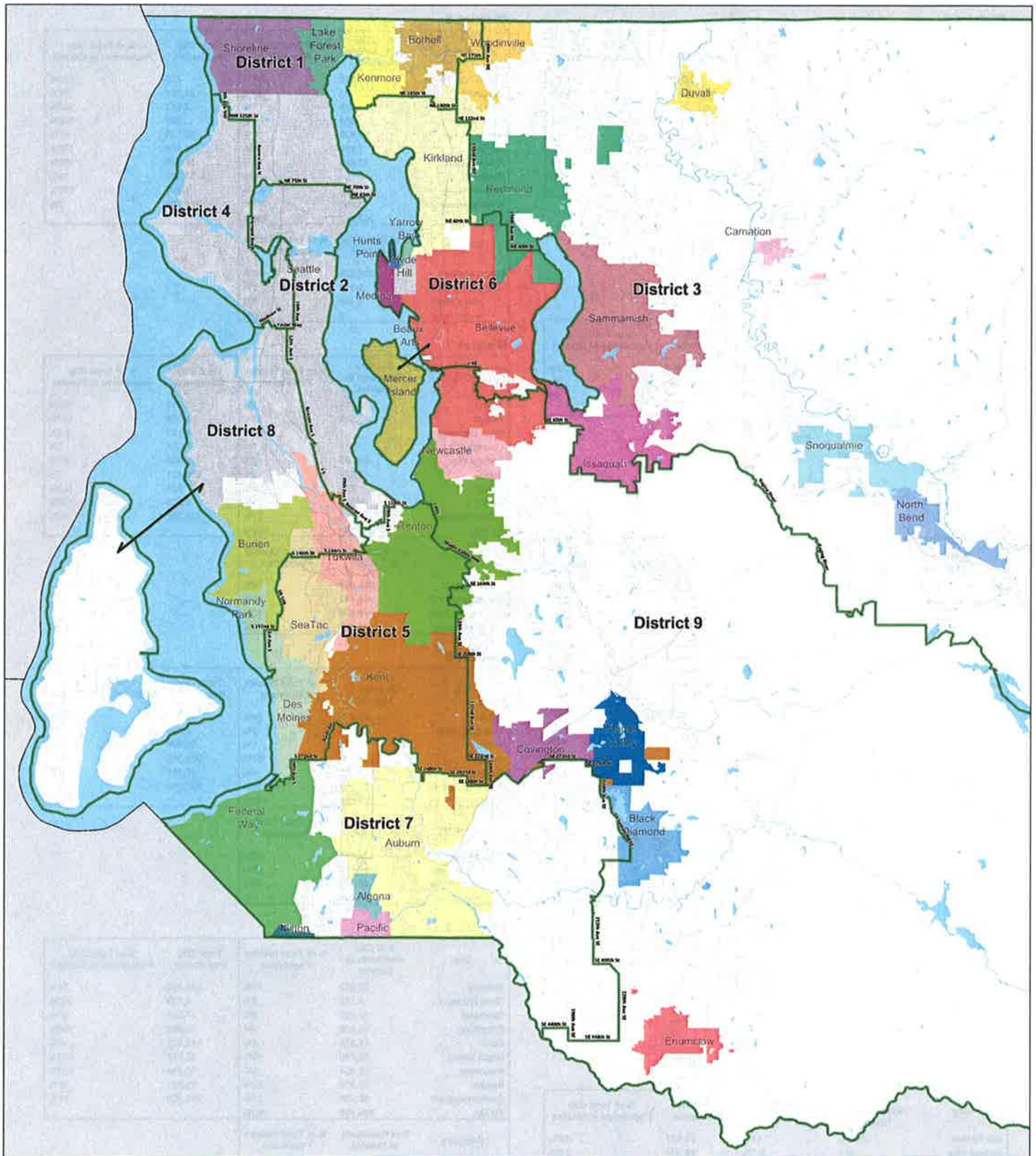
Number of people below or above an equal share of the state's population:

more than 15,000 below	1,000 to 5,000 below	1,000 to 5,000 above	15,000 to 20,000 above
10,000 to 15,000 below	less than 1,000 below	5,000 to 10,000 above	more than 20,000 above
5,000 to 10,000 below	less than 1,000 above	10,000 to 15,000 above	

Washington State Redistricting Commission
P.O. Box 40948 Olympia, WA. 98504-0948
www.redistricting.wa.gov

The official state population is 6,724,540 (April 1, 2010)

Map data by United States Census Bureau and Washington State Department of Transportation.
May 2011



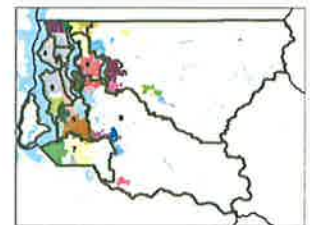
Existing Districts

2005 King County Council Districts

2005 Council Districts Existing

King County, WA

Data Source: King County GIS



District 1

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bothell	17,101	8%	17,101	100%
Kenmore	20,471	10%	20,471	100%
Kirkland	3,657	2%	80,138	5%
Lake Forest Park	12,595	6%	12,595	100%
Seattle	88,248	43%	608,660	14%
Shoreline	53,002	26%	53,002	100%
Woodinville	1,930	0.9%	10,938	18%
(Unincorporated)	6,336	3%	251,202	3%
TOTAL	203,340	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	197,004	97%		
Unincorporated	6,336	3%		
Urban Uninc.	6,336	3%		
Rural Uninc.	0	0.0%		

District 2

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	200,718	97%	608,660	33%
Tukwila	316	0.2%	19,151	2%
(Unincorporated)	6,726	3%	251,202	3%
TOTAL	207,760	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	201,034	97%		
Unincorporated	6,726	3%		
Urban Uninc.	6,726	3%		
Rural Uninc.	0	0.0%		

District 3

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bellevue	294	0.1%	122,334	0.2%
Carnation	1,786	0.7%	1,786	100%
Duvall	6,695	3%	6,695	100%
Issaquah	30,427	12%	30,427	100%
Kirkland	6,489	3%	80,138	8%
North Bend	5,862	2%	5,862	100%
Redmond	45,665	19%	54,373	84%
Sammamish	46,627	19%	46,627	100%
Skykomish	198	0.1%	198	100%
Snoqualmie	10,672	4%	10,672	100%
Woodinville	9,008	4%	10,938	82%
(Unincorporated)	81,222	33%	251,202	32%
TOTAL	244,945	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	163,723	67%		
Unincorporated	81,222	33%		
Urban Uninc.	25,251	10%		
Rural Uninc.	55,971	23%		

District 4

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	212,888	100%	608,660	35%
(Unincorporated)	0	0.0%	251,202	0.0%
TOTAL	212,888	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	212,888	100%		
Unincorporated	0	0.0%		
Urban Uninc.	0	0.0%		
Rural Uninc.	0	0.0%		

District 5

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Des Moines	29,673	14%	29,673	100%
Federal Way	221	0.1%	89,304	0.2%
Kent	103,026	48%	118,821	87%
Renton	40,103	19%	91,021	44%
SeaTac	24,004	11%	26,909	89%
Tukwila	10,498	5%	19,151	55%
(Unincorporated)	7,716	4%	251,202	3%
TOTAL	215,241	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	207,525	96%		
Unincorporated	7,716	4%		
Urban Uninc.	7,716	4%		
Rural Uninc.	0	0.0%		

District 6

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Beaux Arts Village	299	0.1%	299	100%
Bellevue	93,188	45%	122,334	76%
Clyde Hill	2,984	1%	2,984	100%
Hunts Point	394	0.2%	394	100%
Kirkland	69,992	34%	80,138	87%
Medina	2,969	1%	2,969	100%
Mercer Island	22,699	11%	22,699	100%
Redmond	8,708	4%	54,373	16%
Yarrow Point	1,001	0.5%	1,001	100%
(Unincorporated)	5,405	3%	251,202	2%
TOTAL	207,639	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	202,234	97%		
Unincorporated	5,405	3%		
Urban Uninc.	5,405	3%		
Rural Uninc.	0	0.0%		

District 7

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Algona	3,014	1%	3,014	100%
Auburn	62,528	30%	62,528	100%
Black Diamond	1	0.0%	4,153	0.0%
Covington	301	0.1%	17,524	2%
Federal Way	89,083	42%	89,304	100%
Kent	3,971	2%	118,821	3%
Milton	831	0.4%	831	100%
Pacific	6,513	3%	6,513	100%
(Unincorporated)	44,742	21%	251,202	18%
TOTAL	210,984	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	166,242	79%		
Unincorporated	44,742	21%		
Urban Uninc.	26,655	13%		
Rural Uninc.	18,087	9%		

District 8

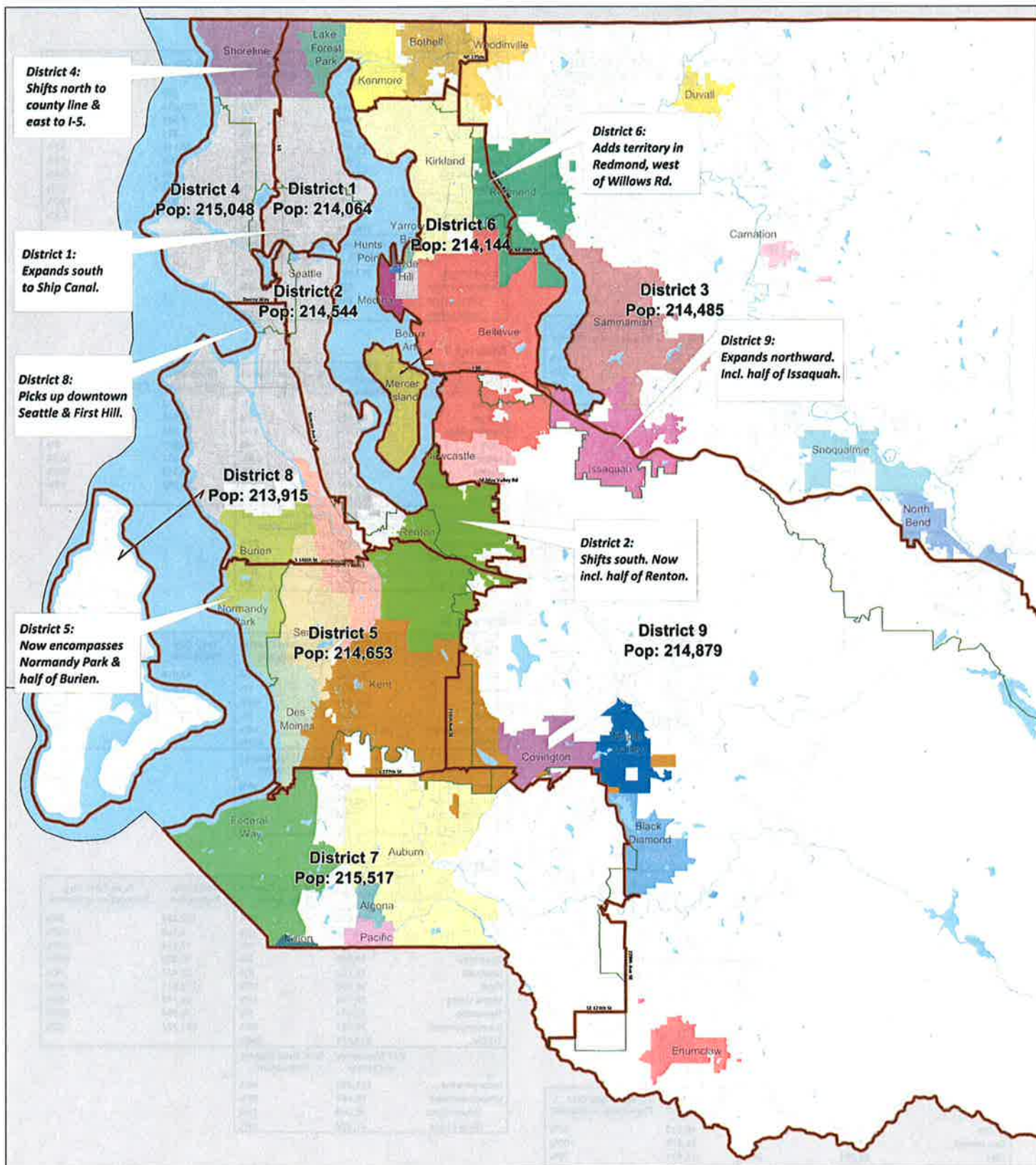
City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Burien	48,016	24%	48,016	100%
Normandy Park	6,335	3%	6,335	100%
SeaTac	2,905	1%	26,909	11%
Seattle	106,806	53%	608,660	18%
Tukwila	8,337	4%	19,151	44%
(Unincorporated)	29,947	15%	251,202	12%
TOTAL	202,346	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	172,399	85%		
Unincorporated	29,947	15%		
Urban Uninc.	19,323	10%		
Rural Uninc.	10,624	5%		

District 9

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bellevue	28,852	13%	122,334	24%
Black Diamond	4,152	2%	4,153	100%
Covington	17,223	8%	17,524	98%
Enumclaw	10,926	5%	10,926	100%
Kent	11,824	5%	118,821	10%
Maple Valley	22,749	10%	22,749	100%
Newcastle	10,354	5%	10,354	100%
Renton	50,918	23%	91,021	56%
(Unincorporated)	69,108	31%	251,202	28%
TOTAL	225,106	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	158,998	69%		
Unincorporated	69,108	31%		
Urban Uninc.	31,835	14%		
Rural Uninc.	37,273	16%		

Current Districts

King County Districting Committee
www.kingcounty.gov/districting
 June 21, 2011



Proposed Districts

■ District boundary

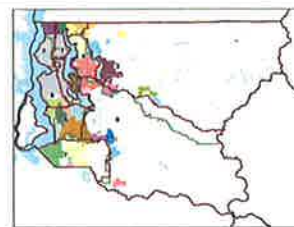
Existing Districts

□ District boundary

2011 Council Districts Discussion Draft "1"

King County, WA

Data Source: U. S. Census Bureau Census 2010
Redistricting Data (PL 94-171).



District 1

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bothell	17,101	8%	17,101	100%
Kenmore	20,471	10%	20,471	100%
Lake Forest Park	12,595	6%	12,595	100%
Seattle	137,302	64%	608,660	23%
Shoreline	18,329	9%	53,002	35%
Woodinville	1,930	0.9%	10,938	18%
(Unincorporated)	6,336	3%	251,202	3%
TOTAL	214,064	100%		
# of Residents in District		% of Total District Population		
Incorporated	207,728	97%		
Unincorporated	6,336	3%		
Urban Uninc.	6,336	3%		
Rural Uninc.	0	0.0%		

District 2

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Renton	48,385	23%	91,021	53%
Seattle	150,302	70%	608,660	25%
(Unincorporated)	15,857	7%	251,202	6%
TOTAL	214,544	100%		
# of Residents in District		% of Total District Population		
Incorporated	198,687	93%		
Unincorporated	15,857	7%		
Urban Uninc.	15,857	7%		
Rural Uninc.	0	0.0%		

District 3

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bellevue	552	0.3%	122,334	0.5%
Carnation	1,786	0.8%	1,786	100%
Duvall	6,695	3%	6,695	100%
Issaquah	16,695	8%	30,427	55%
Kirkland	5,788	3%	80,138	7%
North Bend	5,862	3%	5,862	100%
Redmond	35,208	16%	54,373	65%
Sammamish	46,627	22%	46,627	100%
Skykomish	198	0.1%	198	100%
Snoqualmie	10,672	5%	10,672	100%
Woodinville	9,008	4%	10,938	82%
(Unincorporated)	75,394	35%	251,202	30%
TOTAL	214,485	100%		
# of Residents in District		% of Total District Population		
Incorporated	139,091	65%		
Unincorporated	75,394	35%		
Urban Uninc.	23,318	11%		
Rural Uninc.	52,076	24%		

District 4

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	180,375	84%	608,660	30%
Shoreline	34,673	16%	53,002	65%
(Unincorporated)	0	0.0%	251,202	0.0%
TOTAL	215,048	100%		
# of Residents in District		% of Total District Population		
Incorporated	215,048	100%		
Unincorporated	0	0.0%		
Urban Uninc.	0	0.0%		
Rural Uninc.	0	0.0%		

District 5

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Burien	17,934	8%	48,016	37%
Des Moines	29,673	14%	29,673	100%
Kent	82,854	39%	118,821	70%
Normandy Park	6,335	3%	6,335	100%
Renton	42,636	20%	91,021	47%
SeaTac	24,004	11%	26,909	89%
Tukwila	8,551	4%	19,151	46%
(Unincorporated)	2,366	1%	251,202	0.9%
TOTAL	214,553	100%		
# of Residents in District		% of Total District Population		
Incorporated	212,287	99%		
Unincorporated	2,366	1%		
Urban Uninc.	2,280	1%		
Rural Uninc.	86	0.0%		

District 6

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Beaux Arts Village	299	0.1%	299	100%
Bellevue	89,663	42%	122,334	73%
Clyde Hill	2,984	1%	2,984	100%
Hunts Point	394	0.2%	394	100%
Kirkland	74,350	35%	80,138	93%
Medina	2,969	1%	2,969	100%
Mercer Island	22,699	11%	22,699	100%
Redmond	19,165	9%	54,373	35%
Yarrow Point	1,001	0.5%	1,001	100%
(Unincorporated)	620	0.3%	251,202	0.2%
TOTAL	214,144	100%		
# of Residents in District		% of Total District Population		
Incorporated	213,524	100%		
Unincorporated	620	0.3%		
Urban Uninc.	620	0.3%		
Rural Uninc.	0	0.0%		

District 7

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Algona	3,014	1%	3,014	100%
Auburn	62,528	29%	62,528	100%
Federal Way	89,304	41%	89,304	100%
Kent	9,132	4%	118,821	8%
Millon	831	0.4%	831	100%
Pacific	6,513	3%	6,513	100%
(Unincorporated)	44,195	21%	251,202	18%
TOTAL	215,517	100%		
# of Residents in District		% of Total District Population		
Incorporated	171,322	79%		
Unincorporated	44,195	21%		
Urban Uninc.	26,464	12%		
Rural Uninc.	17,731	8%		

District 8

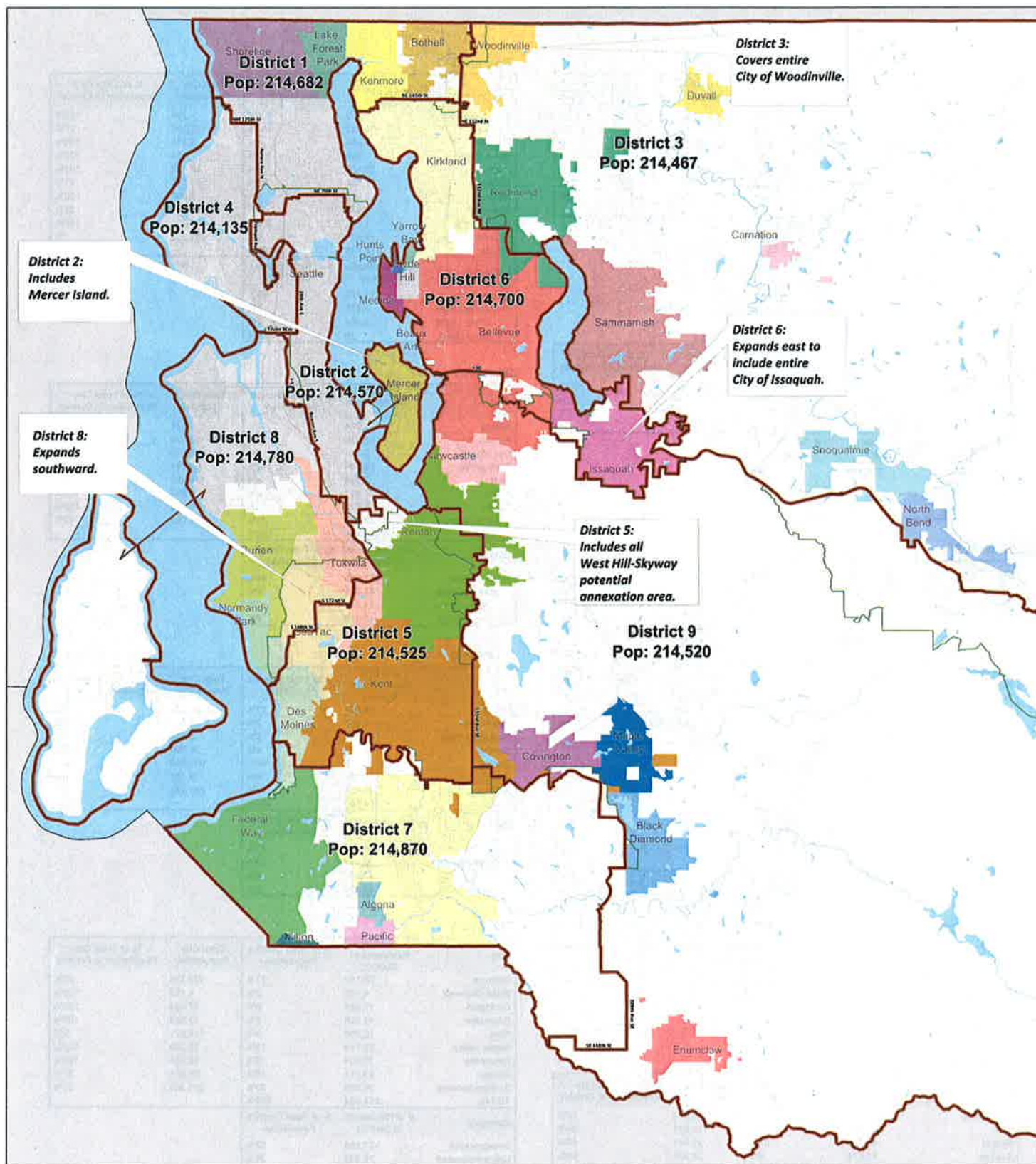
City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Burien	30,082	14%	48,016	63%
SeaTac	2,905	1%	26,909	11%
Seattle	140,681	66%	608,660	23%
Tukwila	10,300	5%	19,151	54%
(Unincorporated)	29,947	14%	251,202	12%
TOTAL	213,915	100%		
# of Residents in District		% of Total District Population		
Incorporated	183,988	86%		
Unincorporated	29,947	14%		
Urban Uninc.	19,323	9%		
Rural Uninc.	10,624	5%		

District 9

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bellevue	32,119	15%	122,334	26%
Black Diamond	4,153	2%	4,153	100%
Covington	17,524	8%	17,524	100%
Enumclaw	10,926	5%	10,926	100%
Issaquah	13,732	6%	30,427	45%
Kent	26,835	12%	118,821	23%
Maple Valley	22,749	11%	22,749	100%
Newcastle	10,354	5%	10,354	100%
(Unincorporated)	76,487	36%	251,202	30%
TOTAL	214,879	100%		
# of Residents in District		% of Total District Population		
Incorporated	138,392	64%		
Unincorporated	76,487	36%		
Urban Uninc.	35,049	16%		
Rural Uninc.	41,438	19%		

Plan 1 Profile

King County Districting Committee
www.kingcounty.gov/districting
June 20, 2011



Proposed Districts

■ District boundary

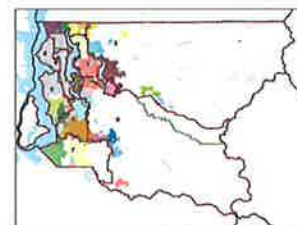
Existing Districts

□ District boundary

2011 Council Districts Discussion Draft "2"

King County, WA

Data Source: U. S. Census Bureau Census 2010
Redistricting Data (PL 94-171).



District 1

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bothell	17,101	8%	17,101	100%
Kenmore	20,471	10%	20,471	100%
Kirkland	1,477	0.7%	80,138	2%
Lake Forest Park	12,595	6%	12,595	100%
Seattle	103,700	48%	608,660	17%
Shoreline	53,002	25%	53,002	100%
(Unincorporated)	6,336	3%	251,202	3%
TOTAL	214,682	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	208,346	97%		
Unincorporated	6,336	3%		
Urban Uninc.	6,336	3%		
Rural Uninc.	0	0.0%		

District 2

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Mercer Island	22,699	11%	22,699	100%
Seattle	191,766	89%	608,660	32%
(Unincorporated)	85	0.0%	251,202	0.0%
TOTAL	214,570	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	214,485	100%		
Unincorporated	85	0.0%		
Urban Uninc.	85	0.0%		
Rural Uninc.	0	0.0%		

District 3

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Carnation	1,786	0.8%	1,786	100%
Duvall	6,695	3%	6,695	100%
Kirkland	6,075	3%	80,138	8%
North Bend	5,862	3%	5,862	100%
Redmond	47,866	22%	54,373	88%
Sammamish	46,827	22%	46,827	100%
Skykomish	198	0.1%	198	100%
Snoqualmie	10,672	5%	10,672	100%
Woodinville	10,938	5%	10,938	100%
(Unincorporated)	77,718	36%	251,202	31%
TOTAL	214,467	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	136,749	64%		
Unincorporated	77,718	36%		
Urban Uninc.	25,157	12%		
Rural Uninc.	52,561	25%		

District 4

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	214,135	100%	608,660	35%
(Unincorporated)	0	0.0%	251,202	0.0%
TOTAL	214,135	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	214,135	100%		
Unincorporated	0	0.0%		
Urban Uninc.	0	0.0%		
Rural Uninc.	0	0.0%		

District 5

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Des Moines	22,235	10%	29,673	75%
Kent	101,171	47%	118,821	85%
Renton	57,510	27%	91,021	63%
SeaTac	17,678	8%	26,909	66%
Tukwila	30	0.0%	19,151	0.2%
(Unincorporated)	15,901	7%	251,202	6%
TOTAL	214,525	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	198,624	93%		
Unincorporated	15,901	7%		
Urban Uninc.	15,901	7%		
Rural Uninc.	0	0.0%		

District 6

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Beaux Arts Village	299	0.1%	299	100%
Bellevue	94,142	44%	122,334	77%
Clyde Hill	2,984	1%	2,984	100%
Hunts Point	394	0.2%	394	100%
Issaquah	30,427	14%	30,427	100%
Kirkland	72,586	34%	80,138	91%
Medina	2,969	1%	2,969	100%
Redmond	6,477	3%	54,373	12%
Yarrow Point	1,001	0.5%	1,001	100%
(Unincorporated)	3,421	2%	251,202	1%
TOTAL	214,700	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	211,279	98%		
Unincorporated	3,421	2%		
Urban Uninc.	3,401	2%		
Rural Uninc.	20	0.0%		

District 7

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Algona	3,014	1%	3,014	100%
Auburn	62,528	29%	62,528	100%
Des Moines	2,531	1%	29,673	9%
Federal Way	89,304	42%	89,304	100%
Kent	7,364	3%	118,821	6%
Milton	831	0.4%	831	100%
Pacific	6,513	3%	6,513	100%
(Unincorporated)	42,751	20%	251,202	17%
TOTAL	214,836	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	172,085	80%		
Unincorporated	42,751	20%		
Urban Uninc.	25,141	12%		
Rural Uninc.	17,610	8%		

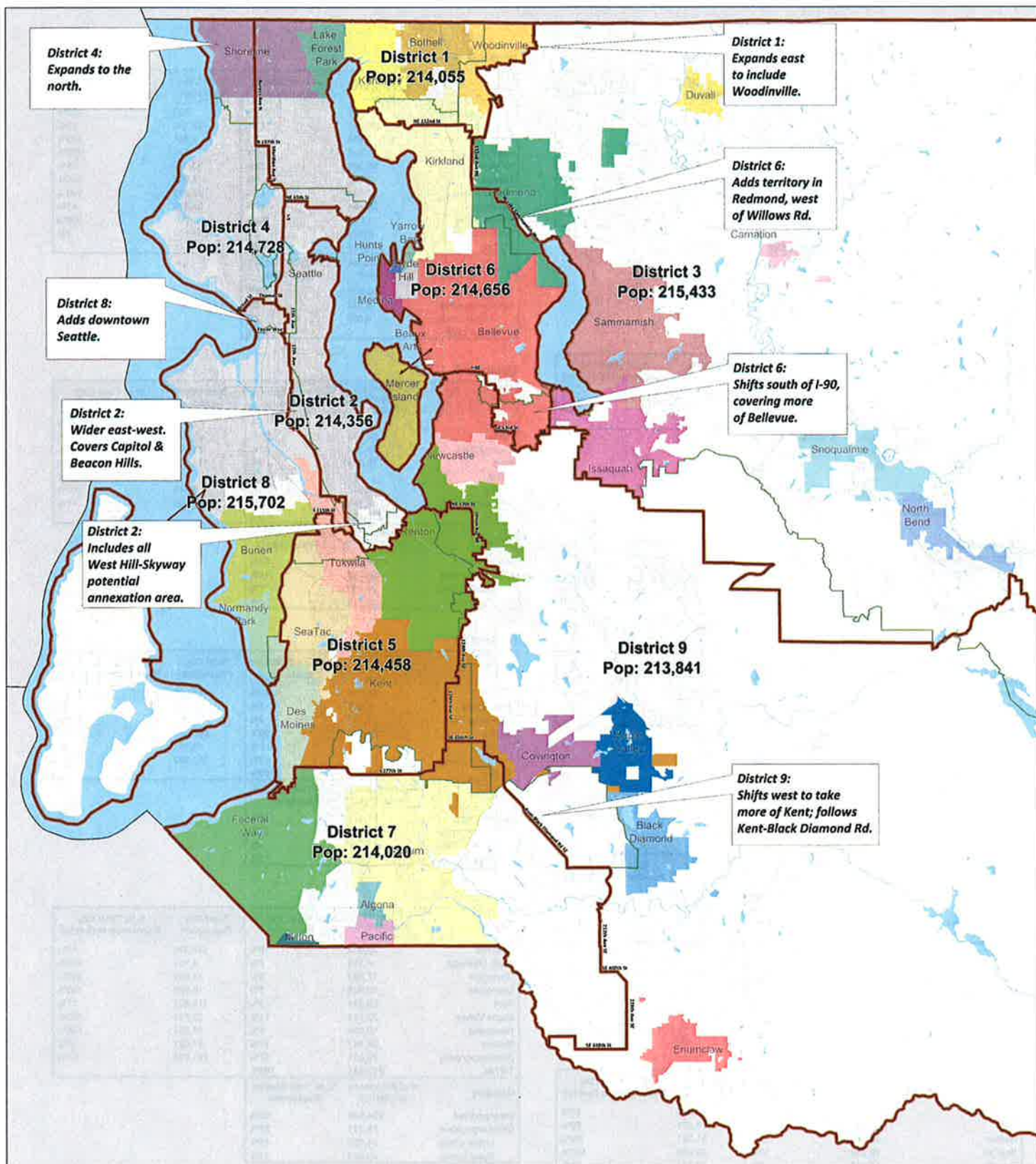
District 8

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Burien	48,016	22%	48,016	100%
Des Moines	4,907	2%	29,673	17%
Normandy Park	6,335	3%	6,335	100%
SeaTac	9,231	4%	26,909	34%
Seattle	99,039	46%	608,660	16%
Tukwila	19,121	9%	19,151	100%
(Unincorporated)	28,131	13%	251,202	11%
TOTAL	214,780	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	186,649	87%		
Unincorporated	28,131	13%		
Urban Uninc.	17,507	8%		
Rural Uninc.	10,624	5%		

District 9

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bellevue	28,192	13%	122,334	23%
Black Diamond	4,153	2%	4,153	100%
Covington	17,524	8%	17,524	100%
Enumclaw	10,926	5%	10,926	100%
Kent	10,286	5%	118,821	9%
Maple Valley	22,749	11%	22,749	100%
Newcastle	10,354	5%	10,354	100%
Renton	33,511	16%	91,021	37%
(Unincorporated)	76,859	36%	251,202	31%
TOTAL	214,554	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	137,695	64%		
Unincorporated	76,859	36%		
Urban Uninc.	35,719	17%		
Rural Uninc.	41,140	19%		

Plan 2 Profile



Proposed Districts

■ District boundary

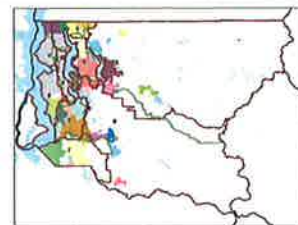
Existing Districts

□ District boundary

2011 Council Districts Discussion Draft "3"

King County, WA

Data Source: U. S. Census Bureau Census 2010
Redistricting Data (PL 94-171).



District 1

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bothell	17,101	8%	17,101	100%
Kenmore	20,471	10%	20,471	100%
Kirkland	24,835	12%	80,138	31%
Lake Forest Park	12,595	6%	12,595	100%
Seattle	88,376	41%	608,660	15%
Shoreline	33,214	16%	53,002	63%
Woodinville	10,938	5%	10,938	100%
(Unincorporated)	6,525	3%	251,202	3%
TOTAL	214,055	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	207,530	97%		
Unincorporated	6,525	3%		
Urban Uninc.	6,525	3%		
Rural Uninc.	0	0.0%		

District 2

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	198,702	93%	608,660	33%
(Unincorporated)	15,654	7%	251,202	6%
TOTAL	214,356	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	198,702	93%		
Unincorporated	15,654	7%		
Urban Uninc.	15,654	7%		
Rural Uninc.	0	0.0%		

District 3

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Carnation	1,786	0.8%	1,786	100%
Duvall	6,695	3%	6,695	100%
Issaquah	30,427	14%	30,427	100%
North Bend	5,862	3%	5,862	100%
Redmond	31,889	15%	54,373	59%
Sammamish	46,627	22%	46,627	100%
Skykomish	198	0.1%	198	100%
Snoqualmie	10,672	5%	10,672	100%
(Unincorporated)	81,277	38%	251,202	32%
TOTAL	215,433	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	134,156	62%		
Unincorporated	81,277	38%		
Urban Uninc.	25,251	12%		
Rural Uninc.	56,026	26%		

District 4

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	194,940	91%	608,660	32%
Shoreline	19,788	9%	53,002	37%
(Unincorporated)	0	0.0%	251,202	0.0%
TOTAL	214,728	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	214,728	100%		
Unincorporated	0	0.0%		
Urban Uninc.	0	0.0%		
Rural Uninc.	0	0.0%		

District 5

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Des Moines	24,766	12%	29,673	83%
Kent	82,152	38%	118,821	69%
Renton	62,574	29%	91,021	69%
SeaTac	26,909	13%	26,909	100%
Tukwila	17,480	8%	19,151	91%
(Unincorporated)	577	0.3%	251,202	0.2%
TOTAL	214,458	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	213,881	100%		
Unincorporated	577	0.3%		
Urban Uninc.	491	0.2%		
Rural Uninc.	86	0.0%		

District 6

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Beaux Arts Village	299	0.1%	299	100%
Bellevue	101,691	47%	122,334	83%
Clyde Hill	2,984	1%	2,984	100%
Hunts Point	394	0.2%	394	100%
Kirkland	55,303	26%	80,138	69%
Medina	2,969	1%	2,969	100%
Mercer Island	22,699	11%	22,699	100%
Redmond	22,484	10%	54,373	41%
Yarrow Point	1,001	0.5%	1,001	100%
(Unincorporated)	4,832	2%	251,202	2%
TOTAL	214,656	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	209,824	98%		
Unincorporated	4,832	2%		
Urban Uninc.	4,832	2%		
Rural Uninc.	0	0.0%		

District 7

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Algona	3,014	1%	3,014	100%
Auburn	62,528	29%	62,528	100%
Federal Way	89,304	42%	89,304	100%
Kent	16,635	8%	118,821	14%
Millon	831	0.4%	831	100%
Pacific	6,513	3%	6,513	100%
(Unincorporated)	35,195	16%	251,202	14%
TOTAL	214,020	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	178,825	84%		
Unincorporated	35,195	16%		
Urban Uninc.	24,982	12%		
Rural Uninc.	10,213	5%		

District 8

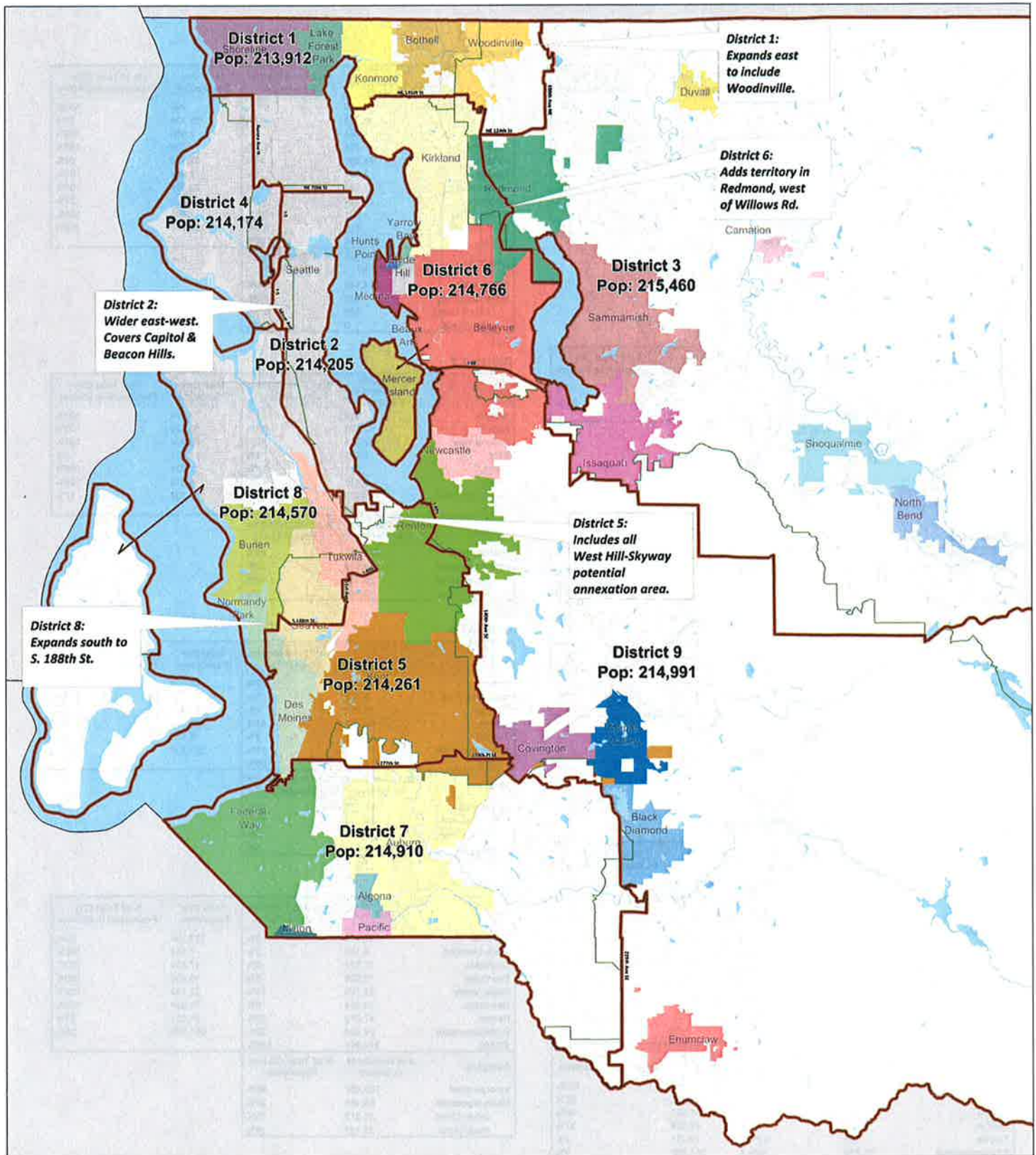
City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Burien	48,016	22%	48,016	100%
Des Moines	4,907	2%	29,673	17%
Normandy Park	6,335	3%	6,335	100%
Seattle	126,642	59%	608,660	21%
Tukwila	1,671	0.8%	19,151	9%
(Unincorporated)	28,131	13%	251,202	11%
TOTAL	215,702	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	187,571	87%		
Unincorporated	28,131	13%		
Urban Uninc.	17,507	8%		
Rural Uninc.	10,624	5%		

District 9

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bellevue	20,643	10%	122,334	17%
Black Diamond	4,153	2%	4,153	100%
Covington	17,524	8%	17,524	100%
Enumclaw	10,926	5%	10,926	100%
Kent	20,034	9%	118,821	17%
Maple Valley	22,749	11%	22,749	100%
Newcastle	10,354	5%	10,354	100%
Renton	28,447	13%	91,021	31%
(Unincorporated)	79,011	37%	251,202	31%
TOTAL	213,841	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	134,830	63%		
Unincorporated	79,011	37%		
Urban Uninc.	34,005	16%		
Rural Uninc.	45,006	21%		

Plan 3 Profile

King County Districting Committee
www.kingcounty.gov/districting
 June 20, 2011



Proposed Districts

■ District boundary

Existing Districts

□ District boundary

2011 Council Districts Discussion Draft "4"

King County, WA

Data Source: U. S. Census Bureau Census 2010
Redistricting Data (PL 94-171)



District 1

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bothell	17,101	8%	17,101	100%
Kenmore	20,471	10%	20,471	100%
Kirkland	1,147	0.5%	80,138	1%
Lake Forest Park	12,595	6%	12,595	100%
Seattle	83,993	39%	608,660	14%
Shoreline	53,002	25%	53,002	100%
Woodinville	10,938	5%	10,938	100%
(Unincorporated)	14,665	7%	251,202	6%
TOTAL	213,912	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	199,247	93%		
Unincorporated	14,665	7%		
Urban Uninc.	8,589	4%		
Rural Uninc.	6,076	3%		

District 2

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	214,120	100%	608,660	35%
(Unincorporated)	85	0.0%	251,202	0.0%
TOTAL	214,205	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	214,120	100%		
Unincorporated	85	0.0%		
Urban Uninc.	85	0.0%		
Rural Uninc.	0	0.0%		

District 3

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Carnation	1,786	0.8%	1,786	100%
Duvall	6,895	3%	6,895	100%
Issaquah	30,427	14%	30,427	100%
North Bend	5,862	3%	5,862	100%
Redmond	39,779	18%	54,373	73%
Sammamish	46,627	22%	46,627	100%
Skykomish	198	0.1%	198	100%
Snoqualmie	10,672	5%	10,672	100%
(Unincorporated)	73,414	34%	251,202	29%
TOTAL	215,460	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	142,046	66%		
Unincorporated	73,414	34%		
Urban Uninc.	22,941	11%		
Rural Uninc.	50,473	23%		

District 4

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Seattle	214,174	100%	608,660	35%
(Unincorporated)	0	0.0%	251,202	0.0%
TOTAL	214,174	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	214,174	100%		
Unincorporated	0	0.0%		
Urban Uninc.	0	0.0%		
Rural Uninc.	0	0.0%		

District 5

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Des Moines	29,673	14%	29,673	100%
Kent	109,090	51%	118,821	92%
Renton	43,349	20%	91,021	48%
SeaTac	9,917	5%	26,909	37%
Tukwila	428	0.2%	19,151	2%
(Unincorporated)	21,804	10%	251,202	9%
TOTAL	214,261	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	192,457	90%		
Unincorporated	21,804	10%		
Urban Uninc.	21,710	10%		
Rural Uninc.	94	0.0%		

District 6

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Beaux Arts Village	299	0.1%	299	100%
Bellevue	90,215	42%	122,334	74%
Clyde Hill	2,984	1%	2,984	100%
Hunts Point	394	0.2%	394	100%
Kirkland	78,991	37%	80,138	99%
Medina	2,969	1%	2,969	100%
Mercer Island	22,699	11%	22,699	100%
Redmond	14,594	7%	54,373	27%
Yarrow Point	1,001	0.5%	1,001	100%
(Unincorporated)	620	0.3%	251,202	0.2%
TOTAL	214,766	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	214,146	100%		
Unincorporated	620	0.3%		
Urban Uninc.	620	0.3%		
Rural Uninc.	0	0.0%		

District 7

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Algona	3,014	1%	3,014	100%
Auburn	62,528	29%	62,528	100%
Federal Way	89,304	42%	89,304	100%
Kent	9,731	5%	118,821	8%
Milton	831	0.4%	831	100%
Pacific	6,513	3%	6,513	100%
(Unincorporated)	42,989	20%	251,202	17%
TOTAL	214,910	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	171,921	80%		
Unincorporated	42,989	20%		
Urban Uninc.	26,423	12%		
Rural Uninc.	16,566	8%		

District 8

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Burien	48,016	22%	48,016	100%
Nomandy Park	6,335	3%	6,335	100%
SeaTac	16,992	8%	26,909	63%
Seattle	96,373	45%	608,660	16%
Tukwila	18,723	9%	19,151	98%
(Unincorporated)	28,131	13%	251,202	11%
TOTAL	214,570	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	186,439	87%		
Unincorporated	28,131	13%		
Urban Uninc.	17,507	8%		
Rural Uninc.	10,624	5%		

District 9

City	# of City Residents in District	% of Total District Population	Total City Population	% of Total City Population in District
Bellevue	32,119	15%	122,334	26%
Black Diamond	4,153	2%	4,153	100%
Covington	17,524	8%	17,524	100%
Enumclaw	10,926	5%	10,926	100%
Maple Valley	22,749	11%	22,749	100%
Newcastle	10,354	5%	10,354	100%
Renton	47,672	22%	91,021	52%
(Unincorporated)	69,494	32%	251,202	26%
TOTAL	214,991	100%		
Category	# of Residents in District	% of Total District Population		
Incorporated	145,497	68%		
Unincorporated	69,494	32%		
Urban Uninc.	31,372	15%		
Rural Uninc.	38,122	18%		

Plan 4 Profile

King County Districting Committee
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 June 20, 2011

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: General Annexation Discussion		Meeting Date: July 18, 2011
Department: City Manager	Attachments:	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact:		
Telephone: (206) 248-5503		
Adopted Initiative: Yes No	Initiative Description: Potential annexation of North Highline area "Y."	
<p>PURPOSE/REQUIRED ACTION: This is part of a series of discussions that began in June when staff informed council it would begin assembling documents relevant to the question of annexing the remaining unincorporated area of North Highline, known as area "Y." There is no action requested at this time.</p> <p>BACKGROUND (Include prior Council action & discussion): Annexation of the so-called "area Y" in the North Highline, including White Center, has a long history that council is well aware of. In short, Burien and Seattle in 2009 agreed to bi-furcate the North Highline Area into two areas; "X" in the south and "Y" in the north. Each city agreed it could advance annexations in adjacent areas without opposition until January 2012. Burien successfully annexed area X in 2010 and that area is now part of Burien. In March 2011, Seattle declared it was not interested in advancing an annexation in area Y but adopted a resolution stating it might at a later date, perhaps February 2012. The resolution also allowed Burien to advance an annexation in area Y if it wished.</p> <p>Staff is working with a private contractor, Berk and Associates, to study the financial viability of annexing area Y. <i>Initial, draft data seems to indicate the annexation is financially viable, largely because of a sales tax credit offered by the state as an incentive.</i> The entire study will be available August 1 and presented to council at its meeting that evening. It will not be available for inclusion in the council packet. Staff intends to offer a high-level summary of the document at that meeting, and will return with the authors at your next council meeting, August 15th for a more detailed discussion.</p> <p>As mentioned previously, while financial data is central to the question of annexation, staff understands it is not the exclusive one and that the policy question is more complex. In an effort to anticipate additional areas of interest, staff continues to solicit other lines of questioning council would like us to explore.</p> <p>The annexation discussion will predictably be iterative and require information to be acquired as talks progress. The intent of this agenda item is simply to continue that discussion and ensure it progresses in as linear a fashion as possible.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>		
Administrative Recommendation: None at this time.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion:		
Submitted by: Mike Martin		
Administration _____	City Manager _____	
Today's Date: July 14, 2011	File Code: \\File01\records\CC\Agenda Bill 2011\071811cm-4 Annexation Discussion.docx	

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion of Ordinance No. 554, Providing for the Issuance of Limited Tax General Obligation and Refunding Bonds.		Meeting Date: July 18, 2011	
Department: Finance	Attachments: Ordinance No. 554	Fund Source: Capital Project Reserve Activity Cost: Bonds Not to Exceed \$9.2 million Amount Budgeted: N/A Unencumbered Budget Authority: N/A	
Contact: Kim Krause, Finance Director			
Telephone: (206) 439-3150			
Adopted Initiative: Yes No x	Initiative Description:		
<p>PURPOSE/REQUIRED ACTION:</p> <p>The purpose of this agenda item is for Council to hold discussion regarding the issuance of bonds to refund the 2002 bond issue, finance costs of constructing, improving and maintaining streets and roads and pay the costs of a legal settlement.</p> <p>BACKGROUND (Include prior Council action & discussion):</p> <p>On June 20, 2011, Council approved a bond anticipation note of \$1.75 million to finance a portion of a legal settlement. The discussion also included issuing bonds to repay the entire legal settlement (\$2,940,355) and finance the unfunded portion of 1st Avenue South Phase 1 (\$2.7 million). Council also directed staff to include \$1.2 million to complete construction of 1st Avenue South Phase I. In addition, staff is recommending that the outstanding bonds from the 2002 debt issue for Town Square and Parks projects be refunded with this issue. The City will save approximately \$57,000 in the current bond market. Staff will continue to evaluate the refunding to ensure the market stays favorable.</p> <p>If adopted, the Ordinance would authorize City staff to proceed with the issuance and sale of the bonds to Seattle-Northwest Securities Corporation, within the principal amount, maximum interest rate and minimum savings parameters set forth in the Ordinance.</p> <p>OPTIONS (Including fiscal impacts): N/A</p>			
Administrative Recommendation: Hold discussion and consider placing on the August 1, 2011, Consent Agenda for approval.			
Committee Recommendation: N/A			
Advisory Board Recommendation: N/A			
Suggested Motion: None required.			
Submitted by: Kim Krause			
Administration _____		City Manager _____	
Today's Date: July 13, 2011		File Code: \\File01\records\CC\Agenda Bill 2011\071811ad-1 Bond Ordinance 554.docx	

CITY OF BURIEN, WASHINGTON
LIMITED TAX GENERAL OBLIGATION AND REFUNDING BONDS, SERIES 2011

ORDINANCE NO. 554

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, PROVIDING FOR THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION AND REFUNDING BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,200,000 TO REFUND CERTAIN OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS AND TO FINANCE OR REFINANCE COSTS OF CONSTRUCTING, IMPROVING AND MAINTAINING STREETS AND ROADS AND COSTS ASSOCIATED WITH A LEGAL SETTLEMENT; PROVIDING THE FORM AND TERMS OF THE BONDS; APPROVING AN ESCROW DEPOSIT AGREEMENT; AND DELEGATING THE AUTHORITY TO APPROVE THE FINAL TERMS OF THE BONDS.

PASSED: AUGUST 1, 2011

PREPARED BY:

PACIFICA LAW GROUP LLP
Seattle, Washington

CITY OF BURIEN
ORDINANCE NO. 554
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Exhibit A: Form of Escrow Deposit Agreement

* This Table of Contents is provided for convenience only and is not a part of this ordinance.

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 554

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, PROVIDING FOR THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION AND REFUNDING BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,200,000 TO REFUND CERTAIN OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS AND TO FINANCE OR REFINANCE COSTS OF CONSTRUCTING, IMPROVING AND MAINTAINING STREETS AND ROADS AND COSTS ASSOCIATED WITH A LEGAL SETTLEMENT; PROVIDING THE FORM AND TERMS OF THE BONDS; APPROVING AN ESCROW DEPOSIT AGREEMENT; AND DELEGATING THE AUTHORITY TO APPROVE THE FINAL TERMS OF THE BONDS.

WHEREAS, the City Council (the “Council”) of the City of Burien, Washington (the “City”), has deemed it in the best interest of the City and its citizens that the City finance and/or refinance the following projects (collectively, the “New Money Projects”): (a) the construction, improvement and maintenance of roads and streets and (b) costs associated with a legal settlement relating to *Frank Coluccio Construction Company, Inc. v. City of Burien*, Cause No. 10-2-07215-2 filed in King County Superior Court (the “Settlement”); and

WHEREAS, the City is authorized by chapter 35A.40 RCW to issue its general obligation bonds to finance or refinance the costs of the New Money Projects; and

WHEREAS, the City issued its Limited Tax General Obligation Bond Anticipation Note, Series 2011 (the “Note”) pursuant to Ordinance No. 553 approved by the Council on June 20, 2011 (the “Note Ordinance”) to evidence a line of credit to finance a portion of the costs of the Settlement, currently outstanding in the principal amount of \$1,750,000; and

WHEREAS, the Note Ordinance provides that the City may prepay the outstanding principal balance of the Note, plus interest accrued thereon, on any date without prepayment fees or penalty; and

WHEREAS, the City has outstanding its Limited Tax General Obligation Bonds, 2002, issued on December 15, 2002 pursuant to Ordinance No. 378 adopted by the Council on December 16, 2002 (the “2002 Bond Ordinance”), which remain outstanding as follows:

<u>Maturity Dates (December 1)</u>	<u>Principal</u>	<u>Interest Rates</u>
2011	\$ 145,000	4.00%
2014	450,000	4.00
2017	535,000	4.25
2022	1,055,000	4.65

(the “2002 Bonds”); and

WHEREAS, the 2002 Bond Ordinance provides that the City may call the 2002 Bonds maturing on and after December 1, 2014 (the “Refunding Candidates”) for redemption on and after December 1, 2012, in whole or in part on any date, at the price of par plus accrued interest, if any, to the date of redemption; and

WHEREAS, after due consideration it appears that all or a portion of the Refunding Candidates (the “Refunded Bonds”) may be defeased and refunded by the proceeds of limited tax general obligation bonds at a savings to the City and its taxpayers; and

WHEREAS, the Council deems it in the best in the best interest of the City to issue limited tax general obligation and refunding bonds in the aggregate principal amount of not to exceed \$9,200,000 (the “Bonds”) to finance or refinance the New Money Projects, prepay the Note, and redeem and defease the Refunded Bonds; and

WHEREAS, the Council wishes to delegate authority to the City Manager and the Finance Director (each, a “Designated Representative”), for a limited time, to approve the interest rates, maturity dates, redemption terms and principal maturities for the Bonds within the parameters set by this ordinance; and

WHEREAS, the City has received a proposal from Seattle-Northwest Securities Corporation, Seattle, Washington (the “Underwriter”) and now desires to issue and sell the Bonds to the Underwriter as set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Definitions and Interpretation of Terms.

(a) *Definitions.* As used in this ordinance, the following words shall have the following meanings:

Acquired Obligations means the Government Obligations acquired by the City under the terms of this ordinance and the Escrow Agreement to effect the defeasance and refunding of the Refunded Bonds.

Beneficial Owner means any person that has or shares the power, directly or indirectly to make investment decisions concerning ownership of any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries).

Bond Fund means the “City of Burien Limited Tax General Obligation Bond Debt Service Fund, 2011” authorized to be created pursuant to Section 10.

Bond Insurance Policy means the municipal bond insurance policy, if any, issued by the Insurer insuring the payment when due of the principal of and interest on the Bonds as provided therein.

Bond Purchase Contract means the contract for the purchase of the Bonds between the Underwriter and City, executed pursuant to Section 12.

Bond Register means the registration books showing the name, address and tax identification number of each Registered Owner of the Bonds, maintained pursuant to Section 149(a) of the Code.

Bond Registrar means, initially, the fiscal agency of the State of Washington, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

Bond Year means each one-year period that ends on the date selected by the City. The first and last Bond Years may be short periods. If no day is selected by the City before the earlier of the final maturity date of the Bonds or the date that is five years after the date of issuance of the Bonds, Bond Years end on each anniversary of the date of issue and on the final maturity date of the Bonds.

Bonds mean the City of Burien, Washington Limited Tax General Obligation and Refunding Bonds, Series 2011 issued pursuant to this ordinance.

Call Date means December 1, 2012.

City means the City of Burien, Washington, a municipal corporation duly organized and existing by virtue of the laws of the State of Washington.

Code means the Internal Revenue Code of 1986, as amended, and shall include all applicable regulations and rulings relating thereto.

Commission means the Securities and Exchange Commission.

Council means the City Council as the general legislative authority of the City, as duly and regularly constituted from time to time.

Designated Representative means the City Manager, or any successor to the functions of such office.

DTC means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, as depository for the Bonds pursuant to Section 4.

Escrow Agent means U.S. Bank National Association, Seattle, Washington.

Escrow Agreement means the Escrow Deposit Agreement substantially in the form attached as Exhibit A hereto.

Federal Tax Certificate means the certificate executed by the Designated Representative or the Finance Director setting forth the requirements of the Code for maintaining the tax exemption of interest on the Bonds.

Finance Director shall mean the City's Finance Director or the successor to such officer.

Government Obligations mean those obligations now or hereafter defined as such in chapter 39.53 RCW.

Insurer means the municipal bond insurance company, if any, selected and designated by the Designated Representative, pursuant to Section 13, or any successor thereto or assignee thereof, as issuer of a Bond Insurance Policy for all or a portion of the Bonds.

Letter of Representations means the blanket issuer letter of representations from the City to DTC.

MSRB means the Municipal Securities Rulemaking Board or any successors to its functions.

Net Proceeds, when used with reference to the Bonds, mean the principal amount of the Bonds, plus accrued interest and original issue premium, if any, and less original issue discount, if any.

New Money Projects mean the capital projects described in Section 2.

Note means the Limited Tax General Obligation Bond Anticipation Note, Series 2011 of the City authorized pursuant to the Note Ordinance and currently outstanding in the aggregate principal amount of \$1,750,000.

Note Fund means the City of Burien Bond Anticipation Note Redemption Fund, 2011 authorized pursuant to Section 10 of the Note Ordinance.

Note Ordinance means Ordinance No. 553 adopted by the Council on June 20, 2011 authorizing the issuance of the Note.

Private Person means any natural person engaged in a trade or business or any trust, estate, partnership, association, company or corporation.

Private Person Use means the use of property in a trade or business by a Private Person if such use is other than as a member of the general public. Private Person Use includes ownership of the property by the Private Person as well as other arrangements that transfer to the Private Person the actual or beneficial use of the property (such as a lease, management or incentive payment contract or other special arrangement) in such a manner as to set the Private Person apart from the general public. Use of property as a member of the general public includes attendance by the Private Person at municipal meetings or business rental of property to the Private Person on a day-to-day basis if the rental paid by such Private Person is the same as the rental paid by any Private Person who desires to rent the property. Use of property by nonprofit community groups or community recreational groups is not treated as Private Person Use if such use is incidental to the governmental uses of property, the property is made available for such use by all such community groups on an equal basis and such community groups are charged only a *de minimis* fee to cover custodial expenses.

Project Fund means the “2011 Construction Fund” as described in Section 8.

Refunded Bonds mean those Refunding Candidates designated by the Designated Representative for refunding pursuant to Section 8.

Refunding Account means the account by that name established pursuant to Section 8.

Refunding Candidates mean the 2002 Bonds maturing on and after December 1, 2014 as shown in the recitals to this ordinance.

Registered Owner means the person named as the registered owner of a Bond in the Bond Register. For so long as the Bonds are held in book-entry only form, DTC shall be deemed to be the sole Registered Owner.

Rule means the Commission’s Rule 15c2-12 under the Securities Exchange Act of 1934, as the same may be amended from time to time.

2002 Bond Ordinance means Ordinance No. 378 adopted by the Council on December 16, 2002, authorizing the issuance of the 2002 Bonds.

2002 Bonds mean the Limited Tax General Obligation Bonds, 2002 of the City, issued on December 15, 2002, pursuant to the 2002 Bond Ordinance and currently outstanding in the principal amount of \$2,185,000.

Underwriter means Seattle-Northwest Securities Corporation, Seattle, Washington.

(b) *Interpretation.* In this ordinance, unless the context otherwise requires:

(1) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of this ordinance;

(2) Words of the masculine gender shall mean and include correlative words of the feminine and neutral genders and words importing the singular number shall mean and include the plural number and vice versa;

(3) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(4) Any headings preceding the text of the several articles and sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect; and

(5) All references herein to “articles,” “sections” and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

Section 2. Authorization of the New Money Projects. The Bonds are being issued in part to finance or refinance all or a portion of (a) the costs of constructing, maintaining and improving roads and streets and (b) the costs associated with a legal settlement relating to *Frank Coluccio Construction Company, Inc. v. City of Burien*, Cause No. 10-2-07215-2 filed in King County Superior Court (the “Settlement”) (collectively, the “New Money Projects”). Any remaining costs of the New Money Projects shall be paid from other City funds legally available for such purposes.

Section 3. Authorization of Bonds and Bond Details. For the purpose of paying the costs of the New Money Projects, prepaying the Note, refunding the Refunded Bonds, and paying costs of issuance of the Bonds, including, but not limited to, the payment of the premium cost for a Bond Insurance Policy, if any, the City shall issue and sell its limited tax general obligation and refunding bonds in the aggregate principal amount of not to exceed \$9,200,000 (the “Bonds”).

The Bonds shall be general obligations of the City, shall be designated “City of Burien, Washington Limited Tax General Obligation and Refunding Bonds, Series 2011”; shall be dated as of their date of delivery; shall be fully registered as to both principal and interest; shall be in the denomination of \$5,000 each, or any integral multiple thereof, within a maturity; shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification; and shall bear interest from their date payable on the first days of each June and December, commencing on December 1, 2011, at rates set forth in the Bond Purchase Contract; and shall mature on the dates and in the principal amounts set forth

in the Bond Purchase Contract and as approved by the Designated Representative pursuant to Section 12. The Bonds of any of the maturities may be combined and issued as term bonds, subject to mandatory redemption as provided in the Bond Purchase Contract.

Section 4. Registration, Exchange and Payments.

(a) *Bond Registrar/Bond Register.* The City hereby specifies and adopts the system of registration approved by the Washington State Finance Committee from time to time through the appointment of state fiscal agencies. The City shall cause a bond register to be maintained by the Bond Registrar. So long as any Bonds remain outstanding, the Bond Registrar shall make all necessary provisions to permit the exchange or registration or transfer of Bonds at its principal corporate trust office. The Bond Registrar may be removed at any time at the option of the Finance Director upon prior notice to the Bond Registrar and a successor Bond Registrar appointed by the Finance Director. No resignation or removal of the Bond Registrar shall be effective until a successor shall have been appointed and until the successor Bond Registrar shall have accepted the duties of the Bond Registrar hereunder. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication of the Bonds.

(b) *Registered Ownership.* The City and the Bond Registrar, each in its discretion, may deem and treat the Registered Owner of each Bond as the absolute owner thereof for all purposes (except as provided in Section 14), and neither the City nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any such Bond shall be made only as described in Section 4(h), but such Bond may be transferred as herein provided. All such payments made as described in Section 4(h) shall be valid and shall satisfy and discharge the liability of the City upon such Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letters of Representations.* The Bonds initially shall be held in fully immobilized form by DTC acting as depository. To induce DTC to accept the Bonds as eligible for deposit at DTC, the City has executed and delivered to DTC a Blanket Issuer Letter of Representations. Neither the City nor the Bond Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on Bonds, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City to the Bond Registrar or to DTC (or any successor depository)), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Bonds are held in fully-immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder, and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Bonds.

If any Bond shall be duly presented for payment and funds have not been duly provided by the City on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Bond until it is paid.

(d) *Use of Depository.*

(1) The Bonds shall be registered initially in the name of "Cede & Co.", as nominee of DTC, with one Bond maturing on each of the maturity dates for the Bonds in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the Finance Director pursuant to subsection (2) below or such substitute depository's successor; or (C) to any person as provided in subsection (4) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the Finance Director to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the Finance Director may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Bond Registrar shall, upon receipt of all outstanding Bonds, together with a written request on behalf of the Finance Director, issue a single new Bond for each maturity then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Finance Director.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the Finance Director determines that it is in the best interest of the beneficial owners of the Bonds that such owners be able to obtain such bonds in the form of Bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held in fully-immobilized form. The Finance Director shall deliver a written request to the Bond Registrar, together with a supply of definitive Bonds, to issue Bonds as herein provided in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds together with a written request on behalf of the Finance Director to the Bond Registrar, new Bonds shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* The transfer of any Bond may be registered and Bonds may be exchanged, but no transfer of any such Bond shall be valid unless it is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such surrender, the Bond

Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond (or Bonds at the option of the new Registered Owner) of the same date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such surrendered and cancelled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same date, maturity and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to register the transfer or to exchange any Bond during the 15 days preceding any interest payment or principal payment date any such Bond is to be redeemed.

(f) *Bond Registrar's Ownership of Bonds.* The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners of Bonds.

(g) *Registration Covenant.* The City covenants that, until all Bonds have been surrendered and canceled, it will maintain a system for recording the ownership of each Bond that complies with the provisions of Section 149 of the Code.

(h) *Place and Medium of Payment.* Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a year of 360 days and twelve 30-day months. For so long as all Bonds are in fully immobilized form, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds are no longer in fully immobilized form, interest on the Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register on the fifteenth day of the month preceding the interest payment date, or upon the written request of a Registered Owner of more than \$1,000,000 of Bonds (received by the Bond Registrar at least 15 days prior to the applicable payment date), such payment shall be made by the Bond Registrar by wire transfer to the account within the United States designated by the Registered Owner. Principal of the Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the principal office of the Bond Registrar.

Section 5. Redemption Prior to Maturity and Purchase of Bonds.

(a) *Mandatory Redemption of Term Bonds and Optional Redemption, if any.* The Bonds shall be subject to optional redemption on the dates, at the prices and under the terms set forth in the Bond Purchase Contract approved by the Designated Representative pursuant to Section 12. The Bonds shall be subject to mandatory redemption to the extent, if any, set forth in the Bond Purchase Contract and as approved by the Designated Representative pursuant to Section 12.

(b) *Purchase of Bonds.* The City reserves the right to purchase any of the Bonds offered to it at any time at a price deemed reasonable by the Designated Representative.

(c) *Selection of Bonds for Redemption.* For as long as the Bonds are held in book-entry only form, the selection of particular Bonds within a maturity to be redeemed shall be made in accordance with the operational arrangements then in effect at DTC. If the Bonds are no longer held in uncertificated form, the selection of such Bonds to be redeemed and the surrender and reissuance thereof, as applicable, shall be made as provided in the following provisions of this subsection (c). If the City redeems at any one time fewer than all of the Bonds having the same maturity date, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot (or in such manner determined by the Bond Registrar) in increments of \$5,000. In the case of a Bond of a denomination greater than \$5,000, the City and the Bond Registrar shall treat each Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of such Bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Bond or Bonds of like maturity and interest rate in any of the denominations herein authorized.

(d) *Notice of Redemption.*

(1) Official Notice. For so long as the Bonds are held in uncertificated form, notice of redemption (which notice may be conditional) shall be given in accordance with the operational arrangements of DTC as then in effect, and neither the City nor the Bond Registrar will provide any notice of redemption to any Beneficial Owners. Thereafter (if the Bonds are no longer held in uncertificated form), notice of redemption shall be given in the manner hereinafter provided. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption (which redemption may be conditioned by the Bond Registrar on the receipt of sufficient funds for redemption or otherwise) shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Register or at such other address as is furnished in writing by such Registered Owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

(A) the redemption date,

(B) the redemption price,

(C) if fewer than all outstanding Bonds are to be redeemed, the identification by maturity (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(D) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(E) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Bond Registrar.

On or prior to any redemption date, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

(2) Effect of Notice; Bonds Due. If an unconditional notice of redemption has been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. All Bonds which have been redeemed shall be canceled by the Bond Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption may be sent at least 20 days before the redemption date to each party entitled to receive notice pursuant to Section 14 and to the Underwriter and with such additional information as the City shall deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Bonds.

(4) Amendment of Notice Provisions. The foregoing notice provisions of this Section 5, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 6. Form of Bonds. The Bonds shall be in substantially the following form:

[STATEMENT OF INSURANCE]

UNITED STATES OF AMERICA

NO. _____

\$ _____

STATE OF WASHINGTON

CITY OF BURIEEN

LIMITED TAX GENERAL OBLIGATION AND REFUNDING BOND, SERIES 2011

INTEREST RATE: %

MATURITY DATE:

CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Burien, Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from _____, 2011, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on December 1, 2011, and semiannually thereafter on the first days of each succeeding June and December. Both principal of and interest on this bond are payable in lawful money of the United States of America. The fiscal agency of the State of Washington has been appointed by the City as the authenticating agent, paying agent and registrar for the bonds of this issue (the "Bond Registrar"). For so long as the bonds of this issue are held in fully immobilized form, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of The Depository Trust Company ("DTC") referred to in the Blanket Issuer Letter of Representations (the "Letter of Representations") from the City to DTC.

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and Ordinance No. 554 duly passed by the City Council on August 1, 2011 (the "Bond Ordinance"). Capitalized terms used in this bond have the meanings given such terms in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar or its duly designated agent.

This bond is one of an authorized issue of bonds of like date, tenor, rate of interest and date of maturity, except as to number and amount in the aggregate principal amount of \$ _____ and is issued pursuant to the Bond Ordinance to provide a portion of the funds necessary (a) to pay the costs of constructing, maintaining and improving roads and streets, (b) to pay the costs associated with a legal settlement, (c) to prepay a limited tax general obligation

bond anticipation note evidencing a line of credit, (d) to refund and defease certain limited tax general obligation bonds of the City, and (e) to pay costs of issuance.

The bonds of this issue are subject to redemption as provided in the Bond Ordinance and the Bond Purchase Contract.

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy taxes annually, within and as a part of the tax levy permitted to the City without a vote of the electorate, upon all the property subject to taxation in amounts sufficient, together with other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

The bonds of this issue have been designated by the City as “qualified tax-exempt obligations” for investment by financial institutions under Section 265(b) of the Code.

The pledge of tax levies for payment of principal of and interest on the bonds may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Burien, Washington has caused this bond to be executed by the manual or facsimile signatures of the Mayor and the City Clerk and the seal of the City imprinted, impressed or otherwise reproduced hereon as of this ____ day of _____, 2011.

[SEAL]

CITY OF BURIEN, WASHINGTON

By /s/ manual or facsimile
Mayor

ATTEST:

 /s/ manual or facsimile
City Clerk

The Bond Registrar’s Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Limited Tax General Obligation and Refunding Bonds, Series 2011 of the City of Burien, Washington, dated _____, 2011.

WASHINGTON STATE FISCAL
AGENCY, as Bond Registrar

By _____

Section 7. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City and the seal of the City shall be impressed, imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may be signed and attested on behalf of the City by such persons who at the date of the actual execution of such Bond, are the proper officers of the City, although at the original date of such Bond any such person shall not have been such officer of the City.

Section 8. Refunding Plan; Application of Bond Proceeds.

(a) *Project Fund.* The City shall establish a fund designated the "2011 Construction Fund" (the "Project Fund") into which a portion of the proceeds of the Bonds necessary to finance the New Money Projects shall be deposited. Money in the Project Fund shall be used to pay the costs of the New Money Projects. The Finance Director may invest money in the Project Fund in legal investments for City funds. Earnings on such investments shall accrue to the benefit of the Project Fund.

If the Council shall determine that it has become impractical to undertake or complete any portion of the New Money Projects by reason of changed conditions, the City shall not be required to undertake or complete such portions of the New Money Project. Any part of the proceeds of the Bonds remaining in the Project Fund after all costs of the New Money Projects (other than New Money Projects that have been determined to be impractical) have been paid may be used for capital purposes of the City in accordance with the Federal Tax Certificate or may be transferred to the Bond Fund, after consultation with bond counsel to the City.

(b) *Note Fund.* A portion of the proceeds of the Bonds in the amount necessary to prepay the outstanding principal balance and the interest accrued thereon to the date of prepayment shall be deposited into the Note Fund created in the Note Ordinance. Proceeds of the Bonds deposited in the Note Fund shall be used within 30 days of the issuance of the Bonds to prepay the Note in accordance with the terms of the Note Ordinance.

(c) *Refunding Plan.* For the purpose of realizing a debt service savings and benefiting the taxpayers of the City, the Council proposes to refund and defease the Refunded Bonds as set forth herein. The Refunded Bonds shall include those Refunding Candidates designated by the Designated Representatives when the Bonds are sold pursuant to the Purchase Contract. Proceeds of the Bonds shall be deposited with the Escrow Agent pursuant to the Escrow Deposit Agreement, in the form set forth as Exhibit A hereto, to be used immediately upon receipt thereof to defease the Refunded Bonds as authorized by the 2002 Bond Ordinance and to pay costs of issuance of the Bonds.

The net proceeds deposited with the Escrow Agent shall be used to defease the Refunded Bonds and discharge the obligations thereon by the purchase of certain Government Obligations (which obligations so purchased, are herein called "Acquired Obligations"), bearing such interest and maturing as to principal and interest in such amounts and at such times which, together with any necessary beginning cash balance, will provide for the payment of:

- (1) interest on the Refunded Bonds due and payable on and prior to the Call Date; and
- (2) the redemption prices of the Refunded Bonds on the Call Date.

Such Acquired Obligations shall be purchased at a yield not greater than the yield permitted by the Code and regulations relating to acquired obligations in connection with refunding bond issues.

(d) *Escrow Agent/Escrow Agreement.* The City hereby appoints U.S. Bank National Association, Seattle, Washington, as the Escrow Agent for the Refunded Bonds (the "Escrow Agent"). A beginning cash balance, if any, and the Acquired Obligations shall be deposited irrevocably with the Escrow Agent in an amount sufficient to defease the Refunded Bonds. The proceeds of the Bonds remaining after acquisition of the Acquired Obligations and provision for the necessary beginning cash balance shall be utilized to pay expenses of the acquisition and safekeeping of the Acquired Obligations and expenses of the issuance of the Bonds.

In order to carry out the purposes of this Section 8, the Designated Representative and the Finance Director are each authorized and directed to execute and deliver to the Escrow Agent, an Escrow Deposit Agreement, substantially in the form attached hereto as Exhibit A. The signature of either the Designated Representative or the Finance Director shall be sufficient.

(e) *Call for Redemption of Refunded Bonds.* The City hereby irrevocably sets aside sufficient funds out of the purchase of Acquired Obligations from proceeds of the Bonds to make the payments described in Section 8(d).

The City hereby irrevocably calls the Refunded Bonds for redemption on their Call Date in accordance with the provisions of the 2002 Bond Ordinance authorizing the redemption and retirement of the 2002 Bonds prior to their fixed maturities.

Said defeasance and call for redemption of the Refunded Bonds shall be irrevocable after the issuance of the Bonds and delivery of the Acquired Obligations to the Escrow Agent.

The Escrow Agent is hereby authorized and directed to provide for the giving of notices of the redemption of the Refunded Bonds in accordance with the applicable provisions of the 2002 Bond Ordinance. The costs of publication of such notices shall be an expense of the City.

The Escrow Agent is hereby authorized and directed to pay to the Finance Director, or, at the direction of the Finance Director, to the paying agent for the Refunded Bonds, sums sufficient to pay, when due, the payments specified in Section 8. All such sums shall be paid from the moneys and Acquired Obligations deposited with the Escrow Agent, and the income therefrom and proceeds thereof. All such sums so paid to said Finance Director shall be credited to the Refunding Account. All moneys and Acquired Obligations deposited with the Escrow Agent and any income therefrom shall be held, invested (but only at the direction of the Finance Director) and applied in accordance with the provisions of this ordinance and with the laws of the State of Washington for the benefit of the City and owners of the Refunded Bonds.

The City will take such actions as are found necessary to see that all necessary and proper fees, compensation and expenses of the Escrow Agent for the Refunded Bonds shall be paid when due.

Section 9. Tax Covenants. The City covenants that it will not take or permit to be taken on its behalf any action that would adversely affect the exemption from federal income taxation of the interest on the Bonds and will take or require to be taken such acts as may reasonably be within its ability and as may from time to time be required under applicable law to continue the exemption from federal income taxation of the interest on the Bonds.

(a) *Arbitrage Covenant.* Without limiting the generality of the foregoing, the City covenants that it will not take any action or fail to take any action with respect to the proceeds of the sale of the Bonds or any other funds of the City which may be deemed to be proceeds of the Bonds pursuant to Section 148 of the Code and the regulations promulgated thereunder which, if such use had been reasonably expected on the dates of delivery of the Bonds to the initial purchasers thereof, would have caused the Bonds to be treated as “arbitrage bonds” within the meaning of such term as used in Section 148 of the Code. The City will comply with the requirements of Section 148 of the Code and the applicable regulations thereunder throughout the term of the Bonds.

(b) *Private Person Use Limitation for Bonds.* The City covenants that for as long as the Bonds are outstanding, it will not permit:

(1) More than 10% of the Net Proceeds of the Bonds to be allocated to any Private Person Use; and

(2) More than 10% of the principal or interest payments on the Bonds in a Bond Year to be directly or indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the City) in respect of property, or borrowed money, used or to be used for any Private Person Use.

The City further covenants that, if:

(3) More than five percent of the Net Proceeds of the Bonds are allocable to any Private Person Use; and

(4) More than five percent of the principal or interest payments on the Bonds in a Bond Year are (under the terms of this ordinance or any underlying arrangement) directly or indirectly:

(A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or

(B) derived from payments (whether or not made to the City) in respect of property, or borrowed money, used or to be used for any Private Person Use, then, (i) any Private Person Use of projects described in subsection (3) hereof or financed with proceeds of the Refunded Bonds or Private Person Use payments described in subsection (4) hereof that is in excess of the five percent limitations described in such subsections (3) or (4) will be for a Private Person Use that is related to the state or local governmental use of the projects funded and refunded by the proceeds of the Bonds, and (ii) any Private Person Use will not exceed the amount of Net Proceeds of the Bonds allocable to the state or local governmental use portion of the projects to which the Private Person Use of such portion of projects funded or refunded by the proceeds of the Bonds relate. The City further covenants that it will comply with any limitations on the use of the projects funded or refunded by the proceeds of the Bonds by other than state and local governmental users that are necessary, in the opinion of its bond counsel, to preserve the tax exemption of the interest on the Bonds. The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Bonds.

(c) *Modification of Tax Covenants.* The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Bonds. To that end, the provisions of this section may be modified or eliminated without any requirement for formal amendment thereof upon receipt of an opinion of the City's bond counsel that such modification or elimination will not adversely affect the tax exemption of interest on any Bonds.

(d) *Designation under Section 265(b).* The City hereby designated the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code for investment by financial institutions. The City reasonably does not expect to issue more than \$10,000,000 in tax-exempt debt during calendar year 2011.

Section 10. Bond Fund and Provision for Tax Levy Payments. The City hereby authorizes the creation of a fund to be used for the payment of debt service on the Bonds, designated as the “City of Burien Limited Tax General Obligation Bond Debt Service Fund, 2011” (the “Bond Fund”). No later than the date each payment of principal of or interest on the Bonds becomes due, the City shall transmit sufficient funds, from the Bond Fund or from other legally available sources, to the Bond Registrar for the payment of such principal or interest. Money in the Bond Fund may be invested in legal investments for City funds.

The City hereby irrevocably covenants and agrees for as long as any of the Bonds are outstanding and unpaid that each year it will include in its budget and levy an *ad valorem* tax upon all the property within the City subject to taxation in an amount that will be sufficient, together with all other revenues and money of the City legally available for such purposes, to pay the principal of and interest on the Bonds when due.

The City hereby irrevocably pledges that the annual tax provided for herein to be levied for the payment of such principal and interest shall be within and as a part of the tax levy permitted to cities without a vote of the people, and that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bonds will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bonds. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bonds when due.

Section 11. Defeasance. In the event that the City, to effect the payment, retirement or redemption of any Bond, sets aside in the Bond Fund or in another special account, cash or noncallable Government Obligations, or any combination of cash and/or noncallable Government Obligations, in amounts and maturities which, together with the known earned income therefrom, are sufficient to redeem or pay and retire such Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such cash and/or noncallable Government Obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on such Bond. The owner of a Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from the Bond Fund or such special account, and such Bond shall be deemed to be not outstanding under this ordinance.

The City shall give written notice of defeasance to the owners of all Bonds so provided for within 30 days of the defeasance and to each party entitled to receive notice in accordance with Section 14.

Section 12. Sale of Bonds.

(a) *Bond Sale.* The Bonds shall be sold at negotiated sale to the Underwriter pursuant to the terms of the Bond Purchase Contract. The Underwriter has advised the Council that market conditions are fluctuating and, as a result, the most favorable market conditions may occur on a day other than a regular meeting date of the Council. The Council has determined that

it would be in the best interest of the City to delegate to the Designated Representative for a limited time the authority to approve the final interest rates, aggregate principal amount, principal amounts of each maturity of the Bonds, selection of the Refunded Bonds, and redemption rights. The Designated Representative is hereby authorized to approve the final interest rates, aggregate principal amount, principal maturities, selection of the Refunded Bonds and redemption rights for the Bonds in the manner provided hereafter so long as (a) the aggregate principal amount of the Bonds does not exceed \$9,200,000, (b) the final maturity date for the Bonds is no later than December 1, 2031, (c) the Bonds are sold (in the aggregate) at a price not less than 95% and not greater than 110%, (d) the Bonds are sold for a price that results in a minimum net present value debt service savings over the Refunded Bonds of 3.00%, and (e) the true interest cost for the Bonds (in the aggregate) does not exceed 4.75%.

In determining whether or not to acquire a Bond Insurance Policy and determining the final interest rates, aggregate principal amounts, principal maturities and redemption rights, the Designated Representative shall take into account those factors that, in his or her judgment, will result in the lowest true interest cost on the Bonds to their maturity, including, but not limited to current financial market conditions and current interest rates for obligations comparable in tenor and quality to the Bonds. Subject to the terms and conditions set forth in this Section 12, the Designated Representative is hereby authorized to execute the Bond Purchase Contract.

Following the execution of the Bond Purchase Contract, the Designated Representative or the Finance Director shall provide a report to the Council describing the final terms of the Bonds approved pursuant to the authority delegated in this section. The authority granted to the Designated Representative by this Section 12 shall expire 120 days after the effective date of this ordinance. If a Bond Purchase Contract for the Bonds has not been executed within 120 days after the effective date of this ordinance, the authorization for the issuance of the Bonds shall be rescinded, and the Bonds shall not be issued nor their sale approved unless such Bonds shall have been re-authorized by ordinance of the Council. The ordinance re-authorizing the issuance and sale of such Bonds may be in the form of a new ordinance repealing this ordinance in whole or in part or may be in the form of an amendatory ordinance approving a bond purchase contract or establishing terms and conditions for the authority delegated under this Section 12.

(b) *Delivery of Bonds; Documentation.* Upon the passage and approval of this ordinance, the proper officials of the City including the Designated Representative, are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bonds to the Underwriter and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds in accordance with the terms of the Bond Purchase Contract.

(c) *Preliminary and Final Official Statements.* The Finance Director is hereby authorized to ratify and to deem final the preliminary Official Statement relating to the Bonds for the purposes of the Rule. The Finance Director is further authorized to ratify and to approve for purposes of the Rule, on behalf of the City, the Official Statement relating to the issuance and sale of the Bonds and the distribution of the Official Statement pursuant thereto with such changes, if any, as may be deemed by her to be appropriate.

Section 13. Bond Insurance. The Finance Director is hereby further authorized to solicit proposals from municipal bond insurance companies for the issuance of a Bond Insurance Policy. In the event that the Finance Director receives multiple proposals, the Finance Director may select the proposal having the lowest cost and resulting in an overall lower interest cost with respect to the Bonds. The Finance Director may execute a commitment received from the Insurer selected by the Finance Director. The Council further authorizes and directs all proper officers, agents, attorneys and employees of the City to cooperate with the Insurer in preparing such additional agreements, certificates, and other documentation on behalf of the City as shall be necessary or advisable in providing for the Bond Insurance Policy.

Section 14. Undertaking to Provide Ongoing Disclosure.

(a) *Contract/Undertaking.* This section constitutes the City's written undertaking for the benefit of the owners, including Beneficial Owners, of the Bonds as required by Section (b)(5) of the Rule.

(b) *Financial Statements/Operating Data.* The City agrees to provide or cause to be provided to the Municipal Securities Rulemaking Board ("MSRB"), the following annual financial information and operating data for the prior fiscal year (commencing in 2012 for the fiscal year ended December 31, 2011):

1. Annual financial statements, which statements may or may not be audited, showing ending fund balances for the City's general fund prepared in accordance with the Budgeting Accounting and Reporting System prescribed by the Washington State Auditor pursuant to RCW 43.09.200 (or any successor statute) and generally of the type included in the official statement for the Bonds under the heading "General Fund Comparative Statement of Revenues, Expenditures and Changes in Fund Balance";

2. The assessed valuation of taxable property in the City;
3. Ad valorem taxes due and percentage of taxes collected;
4. Property tax levy rate per \$1,000 of assessed valuation; and
5. Outstanding general obligation debt of the City.

Items 2-5 shall be required only to the extent that such information is not included in the annual financial statements.

The information and data described above shall be provided on or before nine months after the end of the City's fiscal year. The City's current fiscal year ends December 31. The City may adjust such fiscal year by providing written notice of the change of fiscal year to the MSRB. In lieu of providing such annual financial information and operating data, the City may cross-reference to other documents available to the public on the MSRB's internet website or filed with the Commission.

If not provided as part of the annual financial information discussed above, the City shall provide the City's audited annual financial statement prepared in accordance with the Budgeting Accounting and Reporting System prescribed by the Washington State Auditor pursuant to RCW 43.09.200 (or any successor statute) when and if available to the MSRB.

(c) *Listed Events.* The City agrees to provide or cause to be provided to the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to the rights of Bondholders, if material;
8. Optional, contingent or unscheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive

agreement relating to any such actions, other than pursuant to its terms, if material; and

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City shall promptly determine whether the events described above are material.

(d) *Format for Filings with the MSRB.* All notices, financial information and operating data required by this undertaking to be provided to the MSRB must be in an electronic format as prescribed by the MSRB. All documents provided to the MSRB pursuant to this undertaking must be accompanied by identifying information as prescribed by the MSRB.

(e) *Notification Upon Failure to Provide Financial Data.* The City agrees to provide or cause to be provided, in a timely manner, to the MSRB notice of its failure to provide the annual financial information described in Subsection (b) above on or prior to the date set forth in Subsection (b) above.

(f) *Termination/Modification.* The City's obligations to provide annual financial information and notices of certain listed events shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. Any provision of this section shall be null and void if the City (1) obtains an opinion of nationally recognized bond counsel to the effect that the portion of the Rule that requires that provision is invalid, has been repealed retroactively or otherwise does not apply to the Bonds and (2) notifies the MSRB of such opinion and the cancellation of this section.

The City may amend this section with an opinion of nationally recognized bond counsel in accordance with the Rule. In the event of any amendment of this section, the City shall describe such amendment in the next annual report, and shall include a narrative explanation of the reason for the amendment and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (A) notice of such change shall be given in the same manner as for a listed event under Subsection (c), and (B) the annual report for the year in which the change is made shall present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

(g) *Bond Owner's Remedies Under This Section.* The right of any bondowner or Beneficial Owner of Bonds to enforce the provisions of this section shall be limited to a right to obtain specific enforcement of the City's obligations under this section, and any failure by the City to comply with the provisions of this undertaking shall not be an event of default with respect to the Bonds.

(h) *No Default.* Except as otherwise disclosed in the City's official statement relating to the Bonds, the City is not and has not been in default in the performance of its obligations of any prior undertaking for ongoing disclosure with respect to its obligations.

Section 15. Lost, Stolen or Destroyed Bonds. In case any Bond or Bonds shall be lost, stolen or destroyed, the Bond Registrar may execute and deliver a new Bond or Bonds of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon his/her filing with the City evidence satisfactory to the City that such Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and/or the Bond Registrar with indemnity satisfactory to the City and the Bond Registrar.

Section 16. Severability; Ratification. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds. All acts taken pursuant to the authority granted in this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 17. Effective Date of Ordinance. This ordinance shall be effective five (5) days after its passage, approval and publication as provided by law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1ST DAY OF AUGUST, 2011, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE OF THIS 1ST DAY OF AUGUST, 2011.

CITY OF BURIEN, WASHINGTON

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Bond Counsel

Filed with the City Clerk: _____

Passed by the City Council: _____

Ordinance No. 554

Date of Publication: _____

CERTIFICATE

I, the undersigned, City Clerk of the City Council of the City of Burien, Washington (the "City"), DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 554 of the City Council (the "Ordinance"), duly passed at a regular meeting thereof held on the 1st day of August, 2011.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of August, 2011.

Monica Lusk, City Clerk

EXHIBIT A

ESCROW DEPOSIT AGREEMENT

CITY OF BURIEN, WASHINGTON LIMITED TAX GENERAL OBLIGATION AND REFUNDING BONDS, SERIES 2011

THIS ESCROW AGREEMENT, dated as of _____, 2011 (herein, together with any amendments or supplements hereto, called the "Agreement") is entered into by and between the City of Burien, Washington (the "City") and U.S. Bank National Association, Seattle, Washington, as escrow agent (herein, together with any successor in such capacity, called the "Escrow Agent"). The notice addresses of the City and the Escrow Agent are shown on Exhibit A attached hereto and made a part hereof.

WITNESSETH:

WHEREAS, the City heretofore has issued and there presently remain outstanding the obligations described in Exhibit B attached hereto (the "Refunded Bonds"); and

WHEREAS, pursuant to Ordinance No. 554 passed on August 1, 2011 (the "Bond Ordinance"), the City has determined to issue its Limited Tax General Obligation and Refunding Bonds, Series 2011 (the "Bonds"); and

WHEREAS, a portion of the proceeds of the Bonds will be used for the purpose of providing funds to pay the costs of refunding the Refunded Bonds; and

WHEREAS, Grant Thornton LLP has prepared a report dated September 1, 2011 (the "Verification Report") relating to the source and use of funds available to accomplish the refunding of the Refunded Bonds, the investment of such funds in Government Obligations (as defined herein) and the adequacy of such funds and investments to provide for the payment of the debt service due on the Refunded Bonds; and

WHEREAS, pursuant to the Bond Ordinance, the Refunded Bonds have been designated for redemption prior to their scheduled maturity dates and, after provision is made for such redemption, the Refunded Bonds will come due in such years, bear interest at such rates, and be payable at such times and in such amounts as are set forth in Exhibit C attached hereto and made a part hereof; and

WHEREAS, when Escrowed Securities have been deposited with the Escrow Agent for the payment of all principal and interest of the Refunded Bonds when due, then the Refunded Bonds shall be legally defeased; and

WHEREAS, the issuance, sale, and delivery of the Refunding Bonds have been duly authorized to be issued, sold, and delivered for the purpose of obtaining the funds required to

provide for the payment of the principal of, interest on and redemption premium (if any) on the Refunded Bonds when due as shown on Exhibit C attached hereto;

NOW, THEREFORE, in consideration of the mutual undertakings, promises and agreements herein contained, the sufficiency of which hereby are acknowledged, and to secure the full and timely payment of principal of and the interest on the Refunded Bonds, the City and the Escrow Agent mutually undertake, promise and agree for themselves and their respective representatives and successors, as follows:

Article 1. Definitions

Section 1.1. Definitions.

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them below when they are used in this Agreement:

Escrow Fund means the fund created by this Agreement to be established, held and administered by the Escrow Agent pursuant to the provisions of this Agreement.

Escrowed Securities means the noncallable Government Obligations described in Exhibit D attached to this Agreement, or cash or other noncallable obligations substituted therefor pursuant to Section 4.2 of this Agreement.

Government Obligations means direct, noncallable (a) United States Treasury Obligations, (b) United States Treasury Obligations - State and Local Government Series, (c) non-prepayable obligations which are unconditionally guaranteed as to full and timely payment of principal and interest by the United States of America or (d) REFCORP debt obligations unconditionally guaranteed by the United States.

Paying Agent means The Bank of New York Mellon, as the fiscal agency of the State of Washington, and as the paying agent for the Refunded Bonds.

Refunding Bonds means that portion of the Bonds authorized under the Bond Ordinance for the purpose of refunding the Refunded Bonds.

Section 1.2. Other Definitions.

The terms "Agreement," "City," "Escrow Agent," "Bond Ordinance," "Verification Report," "Refunded Bonds," and "Bonds" when they are used in this Agreement, shall have the meanings assigned to them in the preamble to this Agreement.

Section 1.3. Interpretations.

The titles and headings of the articles and sections of this Agreement have been inserted for convenience and reference only and are not to be considered a part hereof and shall not in any

way modify or restrict the terms hereof. This Agreement and all of the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to achieve the intended purpose of providing for the refunding of the Refunded Bonds in accordance with applicable law.

Article 2. Deposit of Funds and Escrowed Securities

Section 2.1. Deposits in the Escrow Fund.

Concurrently with the sale and delivery of the Bonds, the City shall deposit, or cause to be deposited, with the Escrow Agent, for deposit in the Escrow Fund (as defined below), the funds (from the proceeds of the Refunding Bonds and a cash contribution by the City, if necessary) sufficient to purchase the Escrowed Securities and pay costs of issuance described in Exhibit D, and the Escrow Agent shall, upon the receipt thereof, acknowledge such receipt to the City in writing.

Article 3. Creation and Operation of Escrow Fund

Section 3.1. Escrow Fund.

The Escrow Agent has created on its books a special trust fund and irrevocable escrow account to be known as the Refunding Account (the "Escrow Fund"). The Escrow Agent hereby agrees that upon receipt thereof it will deposit to the credit of the Escrow Fund the funds and the Escrowed Securities described in Exhibit D attached hereto. Such deposit, all proceeds therefrom, and all cash balances from time to time on deposit therein (a) shall be the property of the Escrow Fund, (b) shall be applied only in strict conformity with the terms and conditions of this Agreement, and (c) are hereby irrevocably pledged to the payment of the principal of and interest on the Refunded Bonds as set forth in Ordinance No. 378 adopted by the City Council of the City on December 15, 2002 (the "2002 Bond Ordinance"), which payment shall be made by timely transfers of such amounts at such times as are provided for in Section 3.2 hereof. When the final transfers have been made for the payment of such principal of and interest on the Refunded Bonds, any balance then remaining in the Escrow Fund shall be transferred to the City, and the Escrow Agent shall thereupon be discharged from any further duties hereunder.

Section 3.2. Payment of Principal and Interest.

The Escrow Agent is hereby irrevocably instructed to transfer to the Paying Agent from the cash balances from time to time on deposit in the Escrow Fund, the amounts required to pay the principal of the Refunded Bonds at their respective redemption dates and interest thereon to such redemption dates in the amounts and at the times shown in Exhibit C attached hereto.

Section 3.3. Sufficiency of Escrow Fund.

The City represents that, based upon the information provided in the Verification Report, the successive receipts of the principal of and interest on the Escrowed Securities will assure that

the cash balance on deposit from time to time in the Escrow Fund will be at all times sufficient to provide moneys for transfer to the Paying Agent at the times and in the amounts required to pay the interest on the Refunded Bonds as such interest comes due and the principal of the Refunded Bonds as the Refunded Bonds are paid on an optional redemption date prior to maturity, all as more fully set forth in Exhibit E attached hereto and as required for the legal defeasance of the Refunded Bonds under the terms of the 2002 Bond Ordinance. If, for any reason, at any time, the cash balances on deposit or scheduled to be on deposit in the Escrow Fund shall be insufficient to transfer the amounts required by the Paying Agent to make the payments set forth in Section 3.2. hereof, the City shall timely deposit in the Escrow Fund, from any funds that are lawfully available therefor, additional funds in the amounts required to make such payments. Notice of any such insufficiency shall be given promptly as hereinafter provided, but the Escrow Agent shall not in any manner be responsible for any insufficiency of funds in the Escrow Fund or the City's failure to make additional deposits thereto.

Section 3.4. Trust Fund.

The Escrow Agent or its affiliate, shall hold at all times the Escrow Fund, the Escrowed Securities and all other assets of the Escrow Fund, wholly segregated from all other funds and securities on deposit with the Escrow Agent; it shall never allow the Escrowed Securities or any other assets of the Escrow Fund to be commingled with any other funds or securities of the Escrow Agent; and it shall hold and dispose of the assets of the Escrow Fund only as set forth herein. The Escrowed Securities and other assets of the Escrow Fund shall always be maintained by the Escrow Agent as trust funds for the benefit of the owners of the Refunded Bonds; and a special account thereof shall at all times be maintained on the books of the Escrow Agent. The owners of the Refunded Bonds shall be entitled to the same preferred claim and first lien upon the Escrowed Securities, the proceeds thereof, and all other assets of the Escrow Fund to which they are entitled as owners of the Refunded Bonds as set forth in the 2002 Bond Ordinance. The amounts received by the Escrow Agent under this Agreement shall not be considered as a banking deposit by the City, and the Escrow Agent shall have no right to title with respect thereto except as a trustee and Escrow Agent under the terms of this Agreement. The amounts received by the Escrow Agent under this Agreement shall not be subject to warrants, drafts or checks drawn by the City or, except to the extent expressly herein provided, by the Paying Agent.

Article 4. Limitation on Investments

Section 4.1. Investments.

Except for the initial investment in the Escrowed Securities the Escrow Agent shall not have any power or duty to invest or reinvest any money held hereunder, or to make substitutions of the Escrowed Securities, or to sell, transfer, or otherwise dispose of the Escrowed Securities.

Section 4.2. Substitution of Securities.

[Reserved]

Article 5. Application of Cash Balances

Section 5.1. In General.

Except as provided in Section 2.1, 3.2 and 4.2 hereof, no withdrawals, transfers or reinvestment shall be made of cash balances in the Escrow Fund. Cash balances shall be held by the Escrow Agent in United States currency as cash balances as shown on the books and records of the Escrow Agent and, except as provided herein, shall not be reinvested by the Escrow Agent; provided, however, a conversion to currency shall not be required (i) for so long as the Escrow Agent's internal rate of return does not exceed 20%, or (ii) if the Escrow Agent's internal rate of return exceeds 20%, the Escrow Agent receives a letter of instructions, accompanied by the opinion of nationally recognized bond counsel, approving the assumed reinvestment of such proceeds at such higher yield.

Article 6. Redemption of Refunded Bonds

Section 6.1. Call for Redemption.

The City hereby irrevocably calls the Refunded Bonds for redemption on their earliest redemption dates, as shown in the Verification Report and on Appendix A attached hereto.

Section 6.2. Notice of Redemption/Notice of Defeasance.

The Escrow Agent agrees to give a notice of defeasance and a notice of the redemption of the Refunded Bonds pursuant to the terms of the Refunded Bonds and in substantially the forms attached hereto as Appendices A and B attached hereto and as described on said Appendices A and B to the Paying Agent for distribution as described therein. The notice of defeasance shall be given immediately following the execution of this Agreement, and the notice of redemption shall be given in accordance with the ordinance authorizing the Refunded Bonds. The Escrow Agent hereby certifies that provision satisfactory and acceptable to the Escrow Agent has been made for the giving of notice of redemption of the Refunded Bonds.

Article 7. Records and Reports

Section 7.1. Records.

The Escrow Agent will keep books of record and account in which complete and accurate entries shall be made of all transactions relating to the receipts, disbursements, allocations and application of the money and Escrowed Securities deposited to the Escrow Fund and all proceeds thereof, and such books shall be available for inspection during business hours and after reasonable notice by the parties hereto and by the owners of the Refunded Bonds.

Section 7.2. Reports.

While this Agreement remains in effect, the Escrow Agent monthly shall prepare and send to the City a written report summarizing all transactions relating to the Escrow Fund during the preceding financial month, including, without limitation, credits to the Escrow Fund as a result of interest payments on or maturities of the Escrowed Securities and transfers from the Escrow Fund for payments on the Refunded Bonds or otherwise, together with a detailed statement of all Escrowed Securities and the cash balance on deposit in the Escrow Fund as of the end of such period.

Article 8. Concerning the Paying Agents and Escrow Agent

Section 8.1. Representations.

The Escrow Agent hereby represents that it has all necessary power and authority to enter into this Agreement and undertake the obligations and responsibilities imposed upon it herein, and that it will carry out all of its obligations hereunder.

Section 8.2. Limitation on Liability.

The liability of the Escrow Agent to transfer funds for the payment of the principal of and interest on the Refunded Bonds shall be limited to the proceeds of the Escrowed Securities and the cash balances from time to time on deposit in the Escrow Fund. Notwithstanding any provision contained herein to the contrary, the Escrow Agent shall have no liability whatsoever for the insufficiency of funds from time to time in the Escrow Fund or any failure of the obligors of the Escrowed Securities to make timely payment thereon, except for the obligation to notify the City promptly of any such occurrence.

The recitals herein and in the proceedings authorizing the Refunding Bonds shall be taken as the statements of the City and shall not be considered as made by, or imposing any obligation or liability upon, the Escrow Agent.

The Escrow Agent is not a party to the proceedings authorizing the Refunding Bonds or the Refunded Bonds and is not responsible for nor bound by any of the provisions thereof. In its capacity as Escrow Agent, it is agreed that the Escrow Agent need look only to the terms and provisions of this Agreement.

The Escrow Agent makes no representations as to the value, conditions or sufficiency of the Escrow Fund, or any part thereof, or as to the title of the City thereto, or as to the security afforded thereby or hereby, and the Escrow Agent shall not incur any liability or responsibility in respect to any of such matters.

It is the intention of the parties hereto that the Escrow Agent shall never be required to use or advance its own funds or otherwise incur personal financial liability in the performance of any of its duties or the exercise of any of its rights and powers hereunder.

The Escrow Agent shall not be liable for any action taken or neglected to be taken by it in good faith in any exercise of reasonable care and believed by it to be within the discretion or power conferred upon it by this Agreement, nor shall the Escrow Agent be responsible for the consequences of any error of judgment; and the Escrow Agent shall not be answerable except for its own neglect or willful misconduct, nor for any loss unless the same shall have been through its negligence or bad faith.

Unless it is specifically otherwise provided herein, the Escrow Agent has no duty to determine or inquire into the happening or occurrence of any event or contingency or the performance or failure of performance of the City with respect to arrangements or contracts with others, with the Escrow Agent's sole duty hereunder being to safeguard the Escrow Fund, to dispose of and deliver the same in accordance with this Agreement. If, however, the Escrow Agent is called upon by the terms of this Agreement to determine the occurrence of any event or contingency, the Escrow Agent shall be obligated, in making such determination, only to exercise reasonable care and diligence, and in event of error in making such determination the Escrow Agent shall be liable only for its own willful misconduct or its negligence. In determining the occurrence of any such event or contingency the Escrow Agent may request from the City or any other person such reasonable additional evidence as the Escrow Agent in its discretion may deem necessary to determine any fact relating to the occurrence of such event or contingency, and in this connection may make inquiries of, and consult with, among others, the City at any time.

Section 8.3. Compensation.

The City shall pay to the Escrow Agent fees for performing the services hereunder and for the expenses incurred or to be incurred by the Escrow Agent in the administration of this Agreement pursuant to the terms of the Fee Schedule attached hereto as Appendix B. The Escrow Agent hereby agrees that in no event shall it ever assert any claim or lien against the Escrow Fund for any fees for its services, whether regular or extraordinary, as Escrow Agent, or in any other capacity, or for reimbursement for any of its expenses as Escrow Agent or in any other capacity.

Section 8.4. Successor Escrow Agents.

Any corporation, association or other entity into which the Escrow Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or otherwise transfer all or substantially all of its corporate trust assets and business or any corporation, association or other entity resulting from any such conversion, sale, merger, consolidation or other transfer to which it is a party, *ipso facto*, shall be and become successor escrow agent hereunder, vested with all other matters as was its predecessor, without the execution or filing of any instrument or any further act on the part of the parties hereto, notwithstanding anything herein to the contrary.

If at any time the Escrow Agent or its legal successor or successors should become unable, through operation of law or otherwise, to act as escrow agent hereunder, or if its property

and affairs shall be taken under the control of any state or federal court or administrative body because of insolvency or bankruptcy or for any other reason, a vacancy shall forthwith exist in the office of Escrow Agent hereunder. In such event, the City, by appropriate action, promptly shall appoint an Escrow Agent to fill such vacancy. If no successor Escrow Agent shall have been appointed by the City within 60 days, a successor may be appointed by the owners of a majority in principal amount of the Refunded Bonds then outstanding by an instrument or instruments in writing filed with the City, signed by such owners or by their duly authorized attorneys-in-fact. If, in a proper case, no appointment of a successor Escrow Agent shall be made pursuant to the foregoing provisions of this section within three months after a vacancy shall have occurred, the owner of any Refunded Bond may apply to any court of competent jurisdiction to appoint a successor Escrow Agent. Such court may thereupon, after such notice, if any, as it may deem proper, prescribe and appoint a successor Escrow Agent.

Any successor Escrow Agent shall be a corporation organized or doing business under the laws of the United States or the State of Washington, authorized under such laws to exercise corporate trust powers, having a combined capital and surplus of at least \$100,000,000 and subject to the supervision or examination by federal or state authority.

Any successor Escrow Agent shall execute, acknowledge and deliver to the City and the Escrow Agent an instrument accepting such appointment hereunder, and the Escrow Agent shall execute and deliver an instrument transferring to such successor Escrow Agent, subject to the terms of this Agreement, all the rights, powers and trusts of the Escrow Agent hereunder. Upon the request of any such successor Escrow Agent, the City shall execute any and all instruments in writing for more fully and certainly vesting in and confirming to such successor Escrow Agent all such rights, powers and duties.

The obligations assumed by the Escrow Agent pursuant to this Agreement may be transferred by the Escrow Agent to a successor Escrow Agent if (a) the requirements of this Section 8.4 and the 2002 Bond Ordinance are satisfied; (b) the successor Escrow Agent has assumed all the obligations of the Escrow Agent under this Agreement; and (c) all of the Escrowed Securities and money held by the Escrow Agent pursuant to this Agreement have been duly transferred to such successor Escrow Agent.

Article 9. Miscellaneous

Section 9.1. Notice.

Any notice, authorization, request, or demand required or permitted to be given hereunder shall be in writing and shall be deemed to have been duly given when mailed by registered or certified mail, postage prepaid addressed to the City or the Escrow Agent at the address shown on Exhibit A attached hereto. The United States Post Office registered or certified mail receipt showing delivery of the aforesaid shall be conclusive evidence of the date and fact of delivery. Any party hereto may change the address to which notices are to be delivered by giving to the other parties not less than ten days prior notice thereof.

Section 9.2. Termination of Responsibilities.

Upon the taking of all the actions as described herein by the Escrow Agent, the Escrow Agent shall have no further obligations or responsibilities hereunder to the C, the owners of the Refunded Bonds or to any other person or persons in connection with this Agreement.

Section 9.3. Binding Agreement.

This Agreement shall be binding upon the City and the Escrow Agent and their respective successors and legal representatives, and shall inure solely to the benefit of the owners of the Refunded Bonds, the City, the Escrow Agent and their respective successors and legal representatives.

Section 9.4. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement, but this Agreement shall be construed as if such invalid or illegal or unenforceable provision had never been contained herein.

Section 9.5. Washington Law Governs.

This Agreement shall be governed exclusively by the provisions hereof and by the applicable laws of the State of Washington.

Section 9.6. Time of the Essence.

Time shall be of the essence in the performance of obligations from time to time imposed upon the Escrow Agent by this Agreement.

Section 9.7. Notice to Moody's.

In the event that this Agreement or any provision thereof is severed, amended or revoked, the City shall provide written notice of such severance, amendment or revocation to Moody's Investors Service at 7 World Trade Center at 250 Greenwich Street, New York, New York, 10007, Attention: Public Finance Rating Desk/ Refunded Bonds.

Section 9.8. Amendments.

This Agreement shall not be amended except to cure any ambiguity or formal defect or omission in this Agreement. No amendment shall be effective unless the same shall be in writing and signed by the parties thereto. No such amendment shall adversely affect the rights of the holders of the Refunded Bonds. No such amendment shall be made without first receiving written confirmation from the rating agencies (if any) which have rated the Refunded Bonds that

such administrative changes will not result in a withdrawal or reduction of its rating then assigned to the Refunded Bonds. If this Agreement is amended, prior written notice and copies of the proposed changes shall be given to the rating agencies which have rated the Refunded Bonds.

EXECUTED as of the date first written above.

CITY OF BURIEN, WASHINGTON

Name: Kim Krause
Title: Finance Director

U.S. BANK NATIONAL ASSOCIATION

Name: _____
Title: _____

Exhibit A	—	Addresses of the City and the Escrow Agent
Exhibit B	—	Description of the Refunded Bonds
Exhibit C	—	Schedule of Debt Service on Refunded Bonds
Exhibit D	—	Description of Beginning Cash Deposit (if any) and Escrowed Securities
Exhibit E	—	Escrow Fund Cash Flow
Appendix A	—	Notice of Redemption for the 2002 Bonds
Appendix B	—	Notice of Defeasance for the 2002 Bonds
Appendix C	—	Fee Schedule

EXHIBIT A
Addresses of the City and Escrow Agent

The City: City of Burien, Washington
400 SW 152nd Street
Suite 300
Burien, WA 98166
Attention: Kim Krause, Finance Director

Escrow Agent: U.S. Bank National Association
Corporate Trust Services PD-WA-T7CT
1420 Fifth Avenue, 7th Floor
Seattle, WA 98101
Attention: Carolyn Morrison, Vice President

EXHIBIT B
Description of the Refunded Bonds

City of Burien, Washington
Limited Tax General Obligation Bonds, 2002

Maturity Dates (December 1)	Principal	Interest Rates
2014	\$ 450,000	4.00%
2017	535,000	4.25
2022	1,055,000	4.65

EXHIBIT C
Schedule of Debt Service on the Refunded Bonds

Date	Interest	Principal/ Redemption Price	Total
	\$____	\$____	\$____
	\$____	\$____	\$____

EXHIBIT D
Escrow Deposit

I. Cash: \$____

II. Other Obligations:

<u>Description</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Total Cost</u>
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III. Costs of Issuance (1):

Escrow Agent Fee (U.S. Bank)	\$
Bond Counsel Fee (Pacifica Law Group LLP)	
Rating Agency (Moody's)	
Printing/mailing the POS Fee	
Contingency	
Verification Agent (Grant Thornton LLP)	
TOTAL:	\$

(1) Net of Purchaser's fee of \$____.00.

EXHIBIT E
Escrow Fund Cash Flow

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Cash Balance
		\$ _____	\$ _____	\$ _____
	\$ _____	_____	_____	_____
	\$ _____	\$ _____	\$ _____	\$ _____

APPENDIX A-1

NOTICE OF REDEMPTION*

City of Burien, Washington Limited Tax General Obligation Bonds, 2002

NOTICE IS HEREBY GIVEN that the City of Burien, Washington (the "City") has called for redemption on December 1, 2012 a portion of its outstanding Limited Tax General Obligation Bonds, 2002 (the "Bonds").

The Bonds to be refunded will be redeemed at a price of one hundred percent (100%) of their principal amount, plus interest accrued to December 1, 2012. The redemption price of the Bonds is payable on presentation and surrender of the Bonds at the office of:

The Bank of New York Mellon		Wells Fargo Bank National
Worldwide Series Processing		Association
2001 Bryan Street, 9 th Floor	-or-	Corporate Trust Department
Dallas, Texas 75021		14th Floor - M/S 257
		999 Third Avenue
		Seattle, Washington 98104

Interest on the Bonds to be refunded or portions thereof which are redeemed shall cease to accrue on December 1, 2012.

The following Bonds are being redeemed:

Maturity Years (December 1)	Principal Amounts	Interest Rates	CUSIP Nos.
2014	\$ 450,000	4.00%	121265AX0
2017	535,000	4.25	121265BA9
2022	1,055,000	4.65	121265BF8

By Order of the City of Burien, Washington

* This notice shall be given not more than 60 nor less than 30 days prior to December 1, 2012 by first class mail to each registered owner of the Refunded Bonds. In addition notice shall be mailed to The Depository Trust Company of New York, New York; MBIA Insurance Corporation (or its successor in interest); Moody's Investors Service, New York, New York; and to the Municipal Securities Rulemaking Board.

The Bank of New York Mellon, as Paying Agent

Dated: _____.

Withholding of 28% of gross redemption proceeds of any payment made within the United States may be required by the Jobs and Growth Tax Relief Reconciliation Act of 2003 (the “Act”) unless the Paying Agent has the correct taxpayer identification number (social security or employer identification number) or exemption certificate of the payee. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your Bonds.

APPENDIX B

Notice of Defeasance* **City of Burien, Washington** **Limited Tax General Obligation Bonds, 2002**

NOTICE IS HEREBY GIVEN to the owners of that portion of the above-captioned bonds with respect to which, pursuant to an Escrow Deposit Agreement dated September 1, 2011, by and between the City of Burien, Washington (the "City") and U.S. Bank National Association, Seattle, Washington (the "Escrow Agent"), the City has deposited into an escrow account, held by the Escrow Agent, cash and non-callable direct obligations of the United States of America, the principal of and interest on which, when due, will provide money sufficient to pay each year, to and including the respective maturity or redemption dates of such bonds so provided for, the principal thereof and interest thereon (the "Defeased Bonds"). The Defeased Bonds will be called on December 1, 2012 at a price of 100% plus accrued interest. Such Defeased Bonds are therefore deemed to be no longer outstanding pursuant to the provisions of Ordinance No. 378 of the City, authorizing the issuance of the Defeased Bonds, but will be paid by application of the assets of such escrow account.

The Defeased Bonds are described as follows:

Limited Tax General Obligation Bonds, 2002 (Dated December 15, 2002)

Maturity Years (December 1)	Principal Amounts	Interest Rates	CUSIP Nos.
2014	\$ 450,000	4.00%	121265AX0
2017	535,000	4.25	121265BA9
2022	1,055,000	4.65	121265BF8

Information for Individual Registered Owner

The addressee of this notice is the registered owner of Bond Certificate No. _____ of the Defeased Bonds described above, which certificate is in the principal amount of \$_____. All of which has been defeased as described above.

* This notice shall be given immediately by first class mail to each registered owner of the Defeased Bonds. In addition notice shall be mailed to Seattle-Northwest Securities Corp.; MBIA Insurance Corporation (or its successor in interest), The Depository Trust Company of New York, New York; The Bank of New York Mellon, as Paying Agent; Moody's Investors Service, New York, New York; and to the Municipal Securities Rulemaking Board.

APPENDIX C

Fee Schedule

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion of and Possible Motion to Grant a Variance to the Underground Utility Policy Regarding Lake to Sound Trail.		Meeting Date: July 18, 2011	
Department: Public Works	Attachments: Letter dated May 12, 2011 from King County to City Clerk's Office Requesting Variance		Fund Source: N/A
Contact: Larry R. Blanchard, Director			Activity Cost: N/A
Telephone: (206) 248-5514			Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: Yes No X		Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: King County, as the lead agency for the Lake to Sound Trail Project, has requested a variance from the underground requirements for the Lake to Sound Trail Project – Segment B. The purpose of this Agenda Item is to request approval from the City Council to grant this variance.			
BACKGROUND (Include prior Council action & discussion): King County-Capital Planning and Development Section in conjunction with its work with the Des Moines Memorial Drive Advisory Committee that includes Renton, Tukwila, Sea-Tac, Burien, and King County are working together to construct the Lake to Sound Trail (Burien Sea-Tac portion) Project. Burien Municipal Code 12.40.140 provides for a Request for Variance by the Public Works Director (PWD) based on 1) technological reasons, and 2) the cost is disproportionate to the general welfare. Staff has reviewed the request by King County and because the cost of undergrounding this project is more than anticipated King County is requesting the waiver attached hereto for your reference. Although the PWD has the authority to waive or defer the underground policy in BMC 12.40 a project of this magnitude should be discussed and approved by City Council.			
OPTIONS (Including fiscal impacts): 1) Grant the waiver of the underground utility conversion requirement as described in BMC 12.04 to King County for the Lake to Sound Trail Project (Burien Portion). 2) Do not grant the waiver of the underground utility conversion requirement as described in BMC 12.40 to King County for the Lake to Sound Trail Project (Burien Portion)			
Administrative Recommendation: Grant the Variance to BMC 12.40 – Undergrounding of Utilities, in order to avoid cost overruns and delays to the Lake to Sound Trail Project – Segment B.			
Committee Recommendation: N/A			
Advisory Board Recommendation: N/A			
Suggested Motion: Move to Grant a Variance to the Underground Utility Policy Regarding Lake to Sound Trail.			
Submitted by: Larry Blanchard		Mike Martin	
Administration _____		City Manager _____	
Today's Date: July 13, 2011		File Code: R:/CC/AgendaBill 2011/071811 Variance to Undergrounding for Lake to Sound Trail	



King County

**Capital Planning and Development Section
Parks CIP Unit**

Facilities Management Division, DES
201 South Jackson, Room 700
Seattle, Washington 98104

(206) 263-7285 FAX (206) 263-6217

May 12, 2011

City of Burien
City Clerk's Office
400 SW 152nd Street, Suite 300
Burien WA 98166

Re: Lake To Sound Trail Project-Segment B,
Request for Variance under Burien Municipal Code 12.40

Dear City Clerk Office:

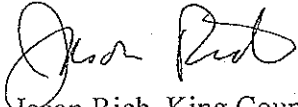
King County, as the leading agency, is writing to request a variance from the underground requirements for the Lake to Sound Trail Project –Segment B, from Ambaum Boulevard S to S 156th Street. As a result of its work with the Des Moines Memorial Drive Advisory Committee, the County is proposing a modified approach in which the overhead utilities are undergrounded for the section of trail from S. 160th St. to S. 156th St. This section is adjacent to the memorial at Sunnysdale School and would serve as a showpiece along the Memorial Drive. It is proposed that the overhead utilities south of the Des Moines Memorial Drive-S. 160th intersection remain above ground. We believe underground requirements along the remaining section of the trail shall be waived for the following reasons:

- Underground requirements would cause an undue hardship on project construction costs. A preliminary opinion of costs for potential undergrounding existing utilities were examined and documented in a technical memorandum dated January 26, 2011. The Illumination and Power Pole Relocation Technical Memorandum is attached for your reference. The additional project costs due to undergrounding requirements were not programmed in the current project budget. Additional funding or share of costs among the utility companies, the City, and King County might need to be considered.
- A variance from the underground requirements would not cause substantial adverse impact to other persons or parties in the project vicinity.

- There are potential technical difficulties undergrounding the utility lines due to presence of other underground utilities such as telephone, gas, sewer, water and storm.
- The potential benefits of undergrounding could be the avoidance of conflicts with new elm tree canopies and the complete frontage improvement. However, costs of undergrounding might outweigh these benefits.

Thank you for your consideration. If you would need additional information supporting the request, please contact me at (206) 263-7314 or by email at Jason.Rich@kingcounty.gov.

Yours Sincerely,



Jason Rich, King County Project Manager

Cc: Doug Lamothe, City of Burien
Jenny Bailey, Parametrix, Inc.

Attachment: Illumination and Power Pole Relocation Technical Memorandum

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Public Safety Authority		Meeting Date: July 18, 2011
Department: City Manager	Attachments: Public Safety Authority overview	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Mike Martin		
Telephone: (206) 248-5503		
Adopted Initiative: Yes No X	Initiative Description: Creation of new mechanism to fund the police function	
<p>PURPOSE/REQUIRED ACTION: This agenda bill has two purposes. First, staff wishes to familiarize council with legislation that would offer an alternative to traditional funding of the police function. Second, staff wants to understand the level of council support to deploy this legislation in Burien, if it is adopted into law by the state legislature. There is no required action, but staff would like an expression of consensus that the council would seriously consider using this legislation should it become available in 2012.</p> <p>BACKGROUND (Include prior Council action & discussion): Part of Burien's 2010 State legislative agenda included an initiative that contemplated advancing legislation to create a new "public safety authority." Simply put, the legislation would have provided interested jurisdictions, including cities, a new way of paying for the police function.</p> <p>Twin bills were advanced in both the state House and Senate and heard in their relevant committees. However, neither bill passed out of committee. This was largely due to the fact that staff's intent was merely to educate lawmakers on the intent of the bill, and to generate discussion about it among interested parties. The legislation died at the end of session.</p> <p>Staff intends to ask council to include the Public Safety Authority legislation in our 2011 legislative agenda and it is conceivable that a bill may be successful. Though generally supportive of the legislation in the past, council members have asked for clarification about what it is and how it might be applied in Burien.</p> <p>If council remains interested and supportive of the legislation, staff will continue to pursue it in Olympia. If that effort is successful, staff would return to council to ask authority to implement it in Burien. If there are obvious flaws in the legislation that would cause the council to reject it as a possible funding source for public safety in Burien, staff would cease any effort to advance the legislation.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1) Indicate by consensus that council remains interested in this legislation and wishes staff to continue pursuing it. 2) Indicate by consensus that council is not interested in this legislation, in which case staff would abandon further work on it. 		
Administrative Recommendation: Staff believes there is merit in this legislation and recommends council indicate sufficient interest to continue pursuing it.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None necessary		
Submitted by: Mike Martin		
Administration _____		City Manager _____
Today's Date: 07/13/11	File Code: \\File01\records\CC\Agenda Bill 2011\071811cm-3 public safety authority.docx	

Public Safety Authority

What this bill does:

- It provides the opportunity for cities and counties to create, by vote, a Public Safety Authority (PSA) that would ensure police services are adequately funded. It does this by mirroring the successful Regional Fire Protection Services Authority statute (RCW 52.26) already in use.

Facts:

- Creation of the PSA itself requires a public vote.
- A PSA would be supported by *existing* property taxes currently collected by a city. Those funds would be *shifted to* the PSA and *away* from the city with *no net increase to taxpayers*.
- A PSA could ask voters to increase taxes, or for authority to charge a “benefit assessment” to support a greater level of police service.
- *Any new or additional tax or fee would require a public vote.*
- The PSA area could include one or more cities, depending on how the agency is formed, just like a Transportation Benefit District, already in statute.
- A PSA would be governed by a subset of existing city council or councils so it does not add a layer of governance. (This is different than special purpose districts; they have a separately elected governing body).
- The PSA would not need a separate bureaucracy. Services such as human resources, legal, finance, risk management, etc. could be provided by the sponsoring city.
- The relationship between the agency and the city would be almost identical to the relationship a city has with its own police department, both in governance and support. The significant difference is in its funding and in its relationship to residents.
- Like a Regional Fire Authority, this mechanism provides a more direct and tangible linkage between taxpayers and police services. This linkage has been demonstrated as a key to the adequate funding of critical public safety services.

CITY OF BURIEN AGENDA BILL

Agenda Subject: Review of Council Proposed Agenda Schedule		Meeting Date: July 18, 2011
Department: City Manager	Attachments: Proposed Meeting Schedule	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Initiative: Yes No X	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.		
BACKGROUND (Include prior Council action & discussion): According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.		
OPTIONS (Including fiscal impacts): 1. Review the schedule, and add, delete, or move items. 2. Review the schedule and make no modifications.		
Administrative Recommendation: Review the schedule.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Monica Lusk		Mike Martin
Administration _____		City Manager _____
Today's Date: July 13, 2011		File Code: R:/CC/AgendaBill2011/071811cm-2 proposedagendareview.doc

**CITY OF BURIEN
PROPOSED COUNCIL AGENDA SCHEDULE
2011**

August 1, 7:00 p.m. Council Meeting

Presentation on SW 153rd Street Corridor Study by Paul Fuesel, KPG.

(City Manager)

Report on Police Study by Berk and Associates.

(City Manager)

Motion to Adopt Ordinance No. 554, Authorizing the Issuance of Bonds.

(Finance)

General Discussion on Annexation.

(City Manager)

Discussion on Business Development.

(City Manager – Council direction on 5/23)

Discussion of and Possible Motion to Form Local Improvement District (LID) for SW 137th Street for Street and Drainage Improvements and Setting a Public Hearing Date.

(Public Works)

City Business.

(City Manager)

August/September

1. **Discussion of and Possible Motion to Approve Latecomer's Agreement for South 140th Street for Street and Drainage Improvements.**
(Public Works – Rescheduled from 7/18)
2. Update on Parks, Recreation and Open Space (PROS) Master Plan.
(Parks)
3. General Discussion on Annexation.
(City Manager)
4. Discussion on Acknowledgement Policy.
(City Manager)
5. Public Hearing for LID for SW 137th Street for Street and Drainage Improvements.
(Public Works)
6. General Discussion on Annexation.
(City Manager)



Burien

Washington, USA

400 SW 152nd St., Suite 300, Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: July 18, 2011
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. 1st Avenue South Drainage System Inspection and Cleaning

The City is inspecting and cleaning the storm drain system within 1st Avenue South Phase 1 project limits - from S/SW 146th to S/SW 163rd Street. The tentative schedule is from July 6th through the 15th between 9:00 a.m. and 3:00 p.m. Traffic will be controlled via signage and flaggers. Work will run from north to south and then back from the south and will involve the closure of the right lane going each direction.

This work is being done to:

- Comply with DOE, NPDES Phase II Permit requirements, which require "inspected municipally-owned or operated catch basins at least once before the end of Permit term (Required by Feb 16, 2010, S5.C.5.d)";
- Reduce/remove the amount of pollutants from storm drains entering our waterways, Ambaum Regional Pond, Miller Creek, and Puget Sound;
- Increase the water quality of our surface water; and
- Reduce potential flooding during the storm season

B. Test of the Burien ALERT System

At our monthly Emergency Operations Center (EOC) meeting, staff performed a test of the Burien ALERT Reverse 911 notification system. We sent out a short voice/email/text message to 12,419 recipients. The after-action call results showed that 6,382 actual connections were made. We are working with the vendor to try and determine why only half of the calls successfully connected. They think the test might have overwhelmed the local telephone system. Of the 6,382 connections that were made, there were only 524 real-time confirmations, meaning the person stayed on the line and pressed 1 to confirm receipt. Some of the calls were messages left on telephone answering machines.

C. King County Growth Targets/Buildable Lands

At your July 11th meeting Councilmember Shaw requested information regarding the King County Growth Targets and buildable lands data. The revised targets for Burien, including the newly annexed North Burien area, are now 4,440 new housing units and 4,960 net new jobs. The King County Growth Targets allocate employment and residential growth to all areas in King County. These targets are established to accommodate the 20-year population projection from the state and employment forecasts from the Puget Sound Regional Council. Currently the updated targets are being incorporated into the revisions to the Countywide Planning Policies.

The buildable lands provision in the GMA exists generally to determine the amount of land suitable for urban development and evaluate capacity for growth based upon measurement of actual development activity. The last buildable lands report was prepared in 2007 when Burien had sufficient housing and employment capacity. A new analysis is being conducted as a part of the comprehensive plan update and will need to incorporate any adjustments to land use designations to determine if there is sufficient capacity. Burien has traditionally had adequate capacity to accommodate our housing and employment targets.

D. Seniors Can “Walk With Ease”

The Burien Parks, Recreation & Cultural Services (PaRCS) Dept. began a new weekly low-impact program for seniors on July 13. Led by an experienced volunteer and Burien resident, the “Walk With Ease” curriculum was designed by the Arthritis Foundation and provides physical activity for those with arthritis or other chronic conditions. The program will take participants on neighborhood sidewalks and paved trails in local parks. The program also educates seniors on the benefits of walking, how to chart progress, as well as the correct methods for stretching and other health-related tips.

E. New “FitXpress” Lunchtime Workouts at Community Center

PaRCS is now offering convenient half-hour classes that offer both drop-in and full registration options. These programs were designed to offer flexibility for participants wishing a shorter workout that could fit within their lunch hour, and also wish to get energized for the rest of the day.

F. Parks Recreation and Open Space (PROS) Plan Update

The PROS Plan process has been compiling park and program inventory and asset information, as well as gathering early results from internet and park intercept surveys. To date, the City has received over 800 returned surveys which will help guide the topics for the first public meeting scheduled for July 27 at the Burien Community Center. This initial meeting will give the members of the public an opportunity to meet with consultants and staff to express their opinions regarding the City's parks facilities and services. Information gathered from this facilitated, public ‘brainstorming’ will be used to help formulate a preliminary draft of the PROS Plan, which will be reviewed at a public open house on September 29.

G. Kids Cool Off at Town Square Spray Park

The warm weather on July 6 attracted many little ones to the water fountains at Town Square Park. Lots of laughter and squeals of delight could be heard while parents relaxed on the grassy hill adjacent to the fountains. The water is turned on daily during the summer from 9:00 am until 9:00 pm.

II. COUNCIL UPDATES/REPORTS

A. Notices (Pg. 152)

The following (attached) notice was published:

- Notice to Property Owners on the Puget Sound shoreline within the City of Burien Proposed Change in Flood Insurance Rate Maps.



Notice to Property Owners on the Puget Sound shoreline within the City of Burien of Proposed Change in Flood Insurance Rate Maps

City of Burien 400 SW 152nd St., Suite 300 Burien, Washington 98166-1917

Date July 7, 2011

Applicant City of Burien

Proposal The Flood Insurance Rate Map (FIRM) for a community depicts land which has been determined to be subject to a 1% (100-year) or greater chance of flooding in any given year. The FIRM is used to determine flood insurance rates and to help the community with floodplain management.

The City of Burien is applying for a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (DHS-FEMA) to revise FIRM 53033C, Panels 0935F, 0953F, and 0955F for King County, Washington, and incorporated areas along the Puget Sound shoreline within the Burien city limits. The City of Burien is proposing the flood hazard elevations and hazard zone designations to better define areas of risk from damage by storm waves and tides and to improve data for making land use decisions.

The Letter of Map Revision will result in:

1. Establishment of Base Flood Elevations (Zone AE) and flood depths (Zone AO). Currently the flooding landward of Zone VE along the Burien shoreline is based on an approximate study. Properties are not regulated according to A Zone regulations landward from the extent of the AE or AO Zone.

2. Widening and narrowing of the 1% annual chance floodplain with the maximum widening of 40 feet at a point approximately 330 ft west of Maplewild Avenue Southwest near Southwest 156th Street, and the maximum narrowing of 160 feet approximately 70 feet southwest of 30th Avenue Southwest near Seola Beach Drive Southwest.

3. Decreasing by 3.5 feet the 1% annual chance water-surface elevation relative to the National Geodetic Vertical Datum shown on the effective Flood Insurance Rate Map for most properties, and decreasing by 5.5 ft the 1% annual chance water-surface elevation relative to the National Geodetic Vertical Datum at a location approximately 1200 feet west of Maplewild Avenue Southwest at Southwest 154th Street. No increase in 1% annual chance water-surface elevation results from this revision.

This notice is to inform you of the establishment of base flood elevations and revision of the 1% annual chance floodplain on properties at the Burien shoreline.

**Availability of
Technical
Information:**

The technical report supporting the proposed changes can be viewed at <http://www.burienwa.gov/index.aspx?nid=920>. Maps can be viewed at Burien City Hall, 400 Southwest 152nd Street, Suite 300, Burien, WA 98166, from 8:00 a.m.-5:00 p.m. week days.

**For More Information
Please Contact:**

If you need more information about the proposed revisions or their effect on your property please contact the City of Burien Department of Community Development at (206) 248-5510 or via e-mail to susanc@burienwa.gov.

cc: Burien City Council
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